

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICKEY FOWLER, LEISA MAURER, and a  
class of similarly situated individuals,

Plaintiffs,

v.

TRACY GUERIN, Director of the Washington  
State Department of Retirement Systems,

Defendant.

Case No. 3:15-cv-05367-BHS

**DECLARATION OF PHILIP M.  
GUESS IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT TO:**

**(1) DETERMINE FORMULA**

**(2) CALCULATE DAMAGES**

I, Philip M. Guess, declare as follows:

1. I am a partner at K&L Gates LLP, 925 Fourth Avenue, Suite 2900, Seattle, Washington, 98104. I am duly licensed to practice law in the State of Washington and I am counsel of record for Defendant in the above-captioned matter. I make this declaration in support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment. I have personal knowledge of the facts stated in this declaration, and, if called as a witness, would and could testify competently about them.

2. Attached as Exhibit A, is a true and accurate copy of the discovery responses Defendant provided to Plaintiffs on March 7, 2025.

DECLARATION OF PHILIP M. GUESS  
IN OPPOSITION TO PLAINTIFFS'  
MOTION TO DETERMINE  
FORMULA FOR INJUNCTIVE RELIEF - 1  
Case No. 3:15-cv-05367-BHS

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1           3.       Attached as Exhibit B, is a true and accurate copy of the correspondence between  
2 myself and Plaintiffs' counsel, seeking an extension of time to respond to Plaintiffs' motion.  
3 Plaintiffs denied this request.

4           4.       Attached as Exhibit C, is a true and accurate copy of the subpoena to Plaintiffs'  
5 Expert, John Marshall, seeking documents necessary to understanding and responding to Mr.  
6 Marshall's newly undisclosed opinion.

7           5.       Attached as Exhibit D, is a true and accurate copy of correspondence with  
8 Plaintiffs' counsel in which they accepted service of the subpoena.

9           6.       The additional discovery needed, as sought in the Subpoena (Exhibit C),  
10 includes, but is not limited to:

11                   a. All documents showing facts or data considered in calculating the  
12                   alleged amount of loss in Plaintiffs' 2025 Motion for each of the three  
13                   components, including all mathematical formulas, all databases and all  
14                   computer code used.

15                   b. All documents showing facts or data considered that resulted in the  
16                   difference in the alleged amount loss between Plaintiffs 2021 Motion and  
17                   Plaintiffs 2025 Motion.

18 These are documents that, pursuant to Federal Rule of Civil Procedure 26(a)(2)(B), should have  
19 been produced with any expert opinion.

20           7.       The reason for the need for such information is apparent. Plaintiffs', through the  
21 most recently filed Declaration of John D. Marshall ("Marshall Declaration"), are seeking over  
22 \$137 million in damages. To assess the validity or accuracy of the damage claim, a defendant  
23 must: i) understand the formula used; ii) know the analysis, assumptions, and variables that  
24 were applied; and iii) be able to see how the expert actually applied the formula and calculated  
25 the damages. To complete this analysis, one not only requires an expert report with a clear  
26

DECLARATION OF PHILIP M. GUESS  
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Case No. 3:15-cv-05367-BHS

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1 description of the analysis, but also all material relied upon to generate that report, including  
2 native excel spreadsheets (i.e., with formulas), back-up material, and computer programs  
3 including access to the code. Without such information, Plaintiffs' damage request is a  
4 proverbial black box, providing an unsupported numerical request for damages.

5 8. I have reviewed in detail the Declaration of Sarah E. Blocki in Opposition to  
6 Plaintiffs' Motion. In that declaration, Ms. Blocki confirms and identifies how this information  
7 is needed to test and replicate Marshall's computations and computer code for accuracy (*id.* ¶¶  
8 10, 13); evaluate and respond to Plaintiffs interest rate calculations for the First and Second  
9 Component (*id.* ¶ 20); evaluate the calculations for the Second Component (*id.* ¶21); evaluate  
10 the method for calculating the account balances on a calendar-quarter-by-calendar-quarter basis  
11 up to the dates of transfer (*id.* ¶ 22); evaluate the calculations of the Third Component (*id.* ¶  
12 23); understand Plaintiffs suggested start date for the Third Component (*id.* ¶24); understand  
13 the manner in which Plaintiffs handled negative transactions (*id.* ¶ 30); understand the manner  
14 in which Plaintiffs handled negative transactions without associated earnings periods (*id.* 31);  
15 and otherwise understand how and why Marshall's calculations changed from his prior  
16 declaration to the current declaration (*id.* ¶ 36). Importantly, without this necessary information,  
17 particularly the actual mathematical formula(s) used, Defendants are left guessing at what other  
18 inaccuracies may be present in Marshall's calculations that Marshall has failed to disclose and  
19 articulate. As a result, there are likely more issues than those presented by Ms. Blocki, but  
20 Defendants have no way of knowing those issues without the requested information.

21 9. This information is necessary to allow Defendants to properly analyze Plaintiffs'  
22 proposal. Indeed, Defendants are currently in the process of retaining an expert who can then  
23 review this information and provide a fulsome rebuttal opinion.

24 I declare under penalty of perjury of the laws of the United States that the foregoing is  
25 true and correct.

26  
DECLARATION OF PHILIP M. GUESS  
IN OPPOSITION TO PLAINTIFFS'  
MOTION TO DETERMINE  
FORMULA FOR INJUNCTIVE RELIEF - 3  
Case No. 3:15-cv-05367-BHS

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Executed this 14th day of March 2025, in Seattle, Washington.

s/ Philip M. Guess  
Philip M. Guess

DECLARATION OF PHILIP M. GUESS  
IN OPPOSITION TO PLAINTIFFS'  
MOTION TO DETERMINE  
FORMULA FOR INJUNCTIVE RELIEF - 4  
Case No. 3:15-cv-05367-BHS

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**CERTIFICATE OF SERVICE**

I, Philip M. Guess, certify that on March 14, 2025, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to the registered attorneys of record.

Dated March 14, 2025.

/s/ Philip M. Guess

Philip M. Guess, WSBA #26765

K&L Gates LLP

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DECLARATION OF PHILIP M. GUESS  
IN OPPOSITION TO PLAINTIFFS'  
MOTION TO DETERMINE  
FORMULA FOR INJUNCTIVE RELIEF - 5  
Case No. 3:15-cv-05367-BHS

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# EXHIBIT A

**Jaberi, Emaan R.**

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**From:** Guess, Philip  
**Sent:** Friday, March 7, 2025 4:51 PM  
**To:** Steve Strong; David Stobaugh; Alex Strong  
**Cc:** Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.; Nagamine, Ruby A.  
**Subject:** Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Responses to Interrogatories/Document Requests  
**Attachments:** Flnal-Defendants Responses and Objections to Plaintiffs Discovery Requests(322729778.1).pdf; Exhibit A.xlsx

Counsel:

Attached is Defendant's Response/Objections to Plaintiff's Discovery Requests together with Exhibit A.

Phil Guess.

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
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MICKEY FOWLER, LEISA MAURER, and a  
class of similarly situated individuals,

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TRACY GUERIN, Director of the Washington  
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Case No. 3:15-cv-05367-BHS

DEFENDANT'S RESPONSES AND  
OBJECTIONS TO PLAINTIFFS'  
INTERROGATORIES AND REQUESTS  
FOR DOCUMENTS DATED JANUARY  
31, 2025

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendant Kathryn Leathers<sup>1</sup> ("the Director") provides these objections and responses to Plaintiffs' Interrogatories ("Interrogatories") and Requests for Production of Documents ("Requests"), served on January 31, 2025 (collectively, "Discovery Requests"). Each of the following responses is made only for the purposes of this action. Each response is subject to all rights to objections as to relevance, materiality, and admissibility of any and all information and documents requested, and to any

<sup>1</sup> Kathryn Leathers was recently appointed to serve as Director of the Department of Retirement Systems. The Director will complete the required procedure to substitute Ms. Leathers for Ms. Guerin.



1 and all objections on any ground that would require exclusion of any response if it were  
2 introduced in court. All evidentiary objections are expressly reserved.

3 **OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS IN INTRODUCTION**

4 1. The Director objects to these Interrogatories and Requests in that they  
5 inappropriately seek information that should be sought in expert discovery. The Director  
6 provides this response now, which identifies the proposed computations, notes issues remaining  
7 to be addressed, and provides examples of the proposed computations. Nonetheless, the  
8 Director is in the process of retaining an expert which will review (and potentially refine and  
9 revise) the computation, present it in an expert report, and provide expert testimony at a  
10 hearing/trial regarding the appropriate amounts due to the Class Members.

11 2. The Director objects to the Interrogatories and Requests on the basis that they  
12 seek information subject to the attorney-client privilege, the work product doctrine, or both.  
13 Much of the information requested in the Interrogatories and Requests seek information that  
14 constitutes work with, or communications between, the Washington State Department of  
15 Retirement Systems, on the one hand, and its counsel, on the other. The Director will not  
16 provide or disclose information that is subject to attorney-client privilege or work product  
17 doctrine, nor will it produce any privileged materials.

18 3. The Director objects to the Interrogatories and Requests to the extent they  
19 attempt to impose requirements not included in Federal Rules of Civil Procedure 33 and 34.  
20 The Director will respond to Plaintiffs' Interrogatories and Requests as required by the Federal  
21 Rules of Civil Procedure.

22 4. The Director objects to paragraph (b) in Plaintiffs' Introduction to the extent it  
23 attempts to impose a requirement that responses to Requests include "information in the  
24 possession of your attorneys, or other persons directly or indirectly employed by you,  
25 representing you, or connected with you or your attorneys, or anyone on your behalf subject to  
26 your control or direction," which is not required by Federal Rule of Civil Procedure 34. The

1 Director further objects to the extent the Introduction attempts to impose requirements in  
2 answering Interrogatories beyond those required by Federal Rule of Civil Procedure 33. The  
3 Director will respond to the Plaintiffs' Interrogatories and Requests as required by the Federal  
4 Rules of Civil Procedure. The Director's response to the Requests and Interrogatories reflects  
5 the knowledge of those persons who, the Director believes, have information regarding this  
6 matter. If the Director discovers other individuals with first-hand knowledge regarding this  
7 matter, and their information adds to what is reflected in the Director's responses, those  
8 responses will be supplemented.

9         5. The Director objects that the Discovery Requests do not specify a relevant time  
10 period, and such Discovery Requests are therefore overly broad and unduly burdensome and  
11 seek documents and information that are irrelevant to the claims in this case. The Director is  
12 willing meet and confer with Plaintiffs regarding a reasonable and appropriate relevant time  
13 period.

14         6. The Director objects to the definition of "Department" as overly broad and  
15 unduly burdensome to the extent it includes persons and entities that are not within the  
16 Directors' control.

17         7. The Director objects to the definition of "Identify" as overly broad, unduly  
18 burdensome, and creating discrete subparts of Interrogatories that would exceed the limits of  
19 Federal Rule of Civil Procedure 33(a)(1). The Director further objects to the definition to the  
20 extent it would preclude the Director from exercising her right to produce business records  
21 pursuant to Federal Rule of Civil Procedure 33(d). The Director will provide information  
22 sufficient for the parties to understand the identity of individuals, events, and documents.

23         8. The Director objects to the definitions of "Omitted interest," "Omitted transfer  
24 payment," and "Investment returns." The Director further disagrees that any "Omitted interest"  
25 or "Omitted transfer payment" was "received and retained in the TRS Plan 2/3 trust fund." The  
26

1 Director will provide the appropriate terms and definitions in her response to Interrogatory No.  
2 1.

3 **OBJECTIONS AND RESPONSES TO INTERROGATORIES AND REQUESTS FOR**  
4 **DOCUMENTS**

5 **INTERROGATORY NO. 1:** Please describe what calculations were made or planned by the  
6 Department of the amounts of omitted interest, omitted transfer payment, and/or investment  
7 returns in this case up to the date of the Department's final response to these discovery requests,  
8 including for each calculation:

- 9 (1) a description of what was done and/or is planned;  
10 (2) the dates(s) and time period(s) when any calculation was done or planned;  
11 (3) the identities of those who worked on the calculation and the planning, including  
12 any experts;  
13 (4) descriptions of the scope of work, the data used in each calculation and plan, and  
14 what each person did; and  
15 (5) descriptions of the results, output, and calculations obtained, including any amounts  
16 of omitted interest, omitted transfer payment, and/or investment returns for each teacher  
17 or for an aggregate of teachers, including the class as a whole.

18 **ANSWER:**

19 The Director objects to this Interrogatory on the basis that it seeks information subject  
20 to the attorney-client privilege, the work product doctrine, or both. The Director will not provide  
21 such information. The Director further objects to this Interrogatory as unduly burdensome,  
22 overly broad, and not proportional to the needs of the case because it requests information not  
23 relevant to any party's claim or defense and, even if it did, the burdens of providing the  
24 requested information outweigh any potential benefit. The Department further objects that the  
25 term "calculations" is overbroad, unduly burdensome, vague, ambiguous, and fails to identify  
26 with reasonable particularity the information sought. The Director further objects to this

1 Request as it attempts to impose on the Director an obligation to predict what she might do in  
 2 the future, rather than to provide factual information. The Director further objects to this  
 3 Interrogatory on the basis that it contains multiple subparts that constitute separate  
 4 interrogatories for the purposes of determining the total number of interrogatories Plaintiffs  
 5 may serve in this litigation. The Director objects to this Interrogatory as overbroad, unduly  
 6 burdensome, irrelevant, and not proportional to the needs of the case because it fails to identify  
 7 a relevant time period.

8 Subject to and notwithstanding the foregoing objections, the Director responds as  
 9 follows:

10 The Director will interpret this request to be seeking the Director's method for  
 11 computing:

- 12 • **First Component:** the difference between the interest credited to the Class  
 13 Members and the revised interest to be credited to the Class Members accounting  
 14 for daily interest.
- 15 • **Second Component:** the difference between the "additional payment" credited  
 16 to the Class Members and the revised "additional payment" to be credited to the  
 17 Class Members under RCW 41.32.8401. The Director refers to this "additional  
 18 payment" as the "Additional Transfer Payment."
- 19 • **Third Component:** The interest based on the two prior components. The  
 20 Director disputes Plaintiffs' characterization of this as "Investment Returns,"  
 21 and the Plaintiffs' proposed method for determining the proper rate. Instead, the  
 22 rate should be "what a reasonably prudent person investing funds so as to  
 23 produce a reasonable return while maintaining safety of principal . . . would  
 24 receive." *Schneider v. County of San Diego*, 285 F.3d 784, 792 (9th Cir. 2002)  
 25 (internal quotation marks and citations omitted). Subject to clarification by the  
 26

1 Court, the Director contends the rate is an issue of fact that should be determined  
2 through expert testimony consistent with *Schneider*.

3 The Director is working to complete a preliminary calculation of the first component  
4 for the first, approximately, 23,000 Class Members, but this is not yet completed. Moreover,  
5 this is not the entirety of the class, and there are factual issues and other complexities (see *infra*,  
6 Section V).

7 The Director, in response to requests by the Department's counsel, has asked numerous  
8 individuals to work on aspects of this computation. The Director identifies the following  
9 individuals as having first-hand knowledge related to the computations: Tye Knudsen, Greg  
10 Deam, Sarah Blocki, Joel Farson, and Rebecca Eaton. Leaders at the Department, counsel at  
11 the Washington State Office of the Attorney General, and counsel at K&L Gates have been  
12 involved in related discussions. Both the computations and the related discussions implicate  
13 attorney-client privilege and the work product doctrine.

14 There are a variety of ways in which these calculations can be completed. The Director  
15 believes the Department's methodology is practical, legal, logical, and fair. The Director,  
16 however, is open to discussion with Plaintiffs regarding the different aspects of these  
17 calculations. Moreover, the Director is currently in the process of identifying and retaining an  
18 expert to evaluate both Plaintiffs' proposal and the Director's proposal, and to identify which  
19 approach, or if another approach, is the most reasonable in their expert opinion.

20 The Director has attached as Exhibit A, an Excel spreadsheet (provided in native  
21 format). The following written responses elucidate the process set out in the spreadsheet.  
22 Exhibit A contains an application of the Director's proposed methodology to two individuals.  
23 Exhibit A, Sheet 1 (Screenshots) is a screenshot from the DRS Member Information System  
24 ("MIS"), showing the manner in which a particular member's, (here Member #864675),  
25 contributions are recorded in the MIS. DRS has previously extracted the details of all  
26

contributions for all class members and provided them to Plaintiffs in various Excel files.<sup>2</sup> The second sheet is for an individual Class Member with relatively few transactions, Member # 864675, allowing for a simpler explanation of the proposed calculations that follow. Exhibit A, Sheet 2 (Member 864675 Computation). An additional Class Member, Member # 00020249, with more transactions is provided in Exhibit A, Sheet 3 (Member 00020249 Computation) to depict this methodology on a Class Member with considerably more transactions. However, Member # 00020249's transactions involve two of the complexities described *infra*, Section V (Negative Transactions and MM/00/YYYY). For Member # 00020249 the calculations were conducted in the same manner as for Member # 864675, without varying the process to account for these issues, because there are questions of fact and assumptions that are properly addressed by expert testimony and discovery. As mentioned, the Director is currently in the process of identifying and retaining an expert to opine on these issues and others related to which proposal is most reasonable in their expert opinion.

#### **I. Glossary of Terms**

The attached Exhibit A, as well as the description that follows uses the following terms:

- **“Contribution” or “Contribution Amount”** – Each month, a member's employer reports any contributions to TRS Plan 2 that have been subtracted from the member's paycheck. This amount recorded in the Department's database is referred to here as a **“Contribution Amount.”**
- **“Transaction Date”** – The date a Contribution Amount or other Transaction is recorded in the Department's database.

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<sup>2</sup> <Fowler Class Clean Accounts Detail with Earning Period 2020-07-07.csv>; <Fowler Detail T2-T3 Inactive CLEAN Transfers Jan 6.2021.csv>; <FowlerInstallment1b.xlsx>; <FowlerInstallment2b.xlsx>; <FowlerInstallment3b.xlsx>; <FowlerInstallment4b.xlsx>; <FowlerInstallment5b.xlsx>; <FowlerInstallment6b.xlsx>; <FowlerInstallment7b.xlsx>; <FowlerInstallment8b.xlsx>; and <FowlerInstallment9b.xlsx>.

- 1 • **“Earning Period”** – The month during which the compensation underlying a  
2 particular Contribution was earned.
- 3 • **“Quarters”** – For purposes of the proposed formula that calculates daily interest  
4 compounded quarterly, the number of days that Contributions remained in Plan 2  
5 must be converted into quarters.
- 6 • **“Transfer Date”** – The date the member’s TRS Plan 2 Contributions (and interest  
7 thereon) were transferred into TRS Plan 3.
- 8 • **“Class Member”** – Those individuals within the certified class.
- 9 • **“Transaction”** – An event that changes the balance in a member’s Plan 2 account.
- 10 • **“Converted Transaction Date”** – Because the DRS system logs Transaction Dates  
11 as YYYYMMDD, the Transaction Date must be converted into MM/DD/YYYY.
- 12 • **“Interest from Transaction Date to Transfer Date”** – For each separate  
13 Transaction, the amount of daily interest compounded quarterly for that Transaction  
14 from the Transaction Date to the Transfer Date.
- 15 • **“Calculated Interest”** – For a given Class Member, the total daily interest  
16 compounded quarterly for all Transactions. This is the sum of interest calculated for  
17 each of the individual Transactions.
- 18 • **“Actual Interest”** – The amount of interest that was originally credited to the Class  
19 Member’s [notional] Plan 2 account and transferred to Plan 3.
- 20 • **“Value of Contribution on 1/1/1996”** – This term contains two categories. For  
21 Contributions with Transaction Dates prior to 1/1/1996, the value of such  
22 contribution on 1/1/1996, including daily interest compounded quarterly. For  
23 Contributions with Transaction Dates after 1/1/1996 that relate to earnings periods  
24 prior to 1/1/1996, the value of such Contribution without interest.
- 25
- 26

- **“Calculated Transfer Basis”** – For a given Class Member, the revised transfer basis, based on daily interest compounded quarterly for all Transactions. This is the sum of the Value[s] of Contribution[s] on 1/1/1996 for each relevant transaction.
- **“Actual Transfer Basis”** – the Transfer Basis that was originally used for the Class Member.
- **“Additional Transfer Payment”**– This is calculated by finding the difference between the Calculated Transfer Basis and the Actual Transfer Basis and then multiplying by the relevant percentage (65%, 45%, or 0%).

## II. First Component Calculation

There are multiple possible approaches, each requiring expert analysis and testimony to determine its appropriateness. The Director is considering the following method to compute the First Component for a particular Class Member. The description that follows refers to excerpts from Exhibit A.

Member #	Contribution Amt	Transaction Date	Earning Period				Converted Transaction Date	Days in Plan 2 Prior to Transfer	Quarters	Value of Contribution on Transfer Date	Interest from Transaction Date to Transfer Date
864675	150.56	19980109	199711	1998	1	9	1/9/1998	31	0.339493498	\$151.26	\$0.70

Exhibit A, Sheet 2 (Member 864675 Computation) (Screenshot of Columns D-O and Rows 9-10).

### Step 1:

For each of the Class Member’s Transactions, using Member #864675, the first step in the Director’s proposal is to determine the days the Contribution was in Plan 2 prior to transfer to Plan 3. This number is shown in the column labeled “Days in Plan 2 Prior to Transfer,” in the excerpt above. That number is equal to the Transfer Date minus the Transaction Date.

For example, the Transfer Date for Member #864675 is 2/9/1998, and the Converted Transaction Date for that Contribution is 1/9/1998. Thus, the total “Days in Plan 2 prior to Transfer” is 31 days. The days are then converted to quarters to be used in a formula that



1 compounds interest quarterly.<sup>3</sup> This results in approximately .339 quarters.

2  
3 **Step 2:**

4 Next, the value of the Contribution on the Transfer Date is calculated as follows. This is  
5 shown in the column labeled “Value of Contribution on Transfer Date.”

$$\begin{aligned} &\text{Value of Contribution on Transfer Date} = \\ &(\text{Contribution Amount}) \times (1 + \text{Quarterly Rate})^{\text{Quarters}} \end{aligned}$$

8 Stated differently:

$$\begin{aligned} &\text{Value of Contribution on Transfer Date} = \\ &(\text{Contribution Amount}) \times (1 + .055/4)^{\text{Quarters}} \end{aligned}$$

11 Through this formula, daily interest is compounded quarterly. Using the numbers provided  
12 above for Member #864675 (with some minor rounding<sup>4</sup> for ease of explanation):

$$13 \quad \$151.26 = \$150.56 \times (1 + .055/4)^{.339}$$

14 **Step 3:**

15 Next, the difference between the Value of Contribution on Transfer Date and the  
16 Contribution Amount represents the Interest from Transaction Date to Transfer Date.

$$\begin{aligned} &\text{Interest from Transaction Date to Transfer Date} = \\ &\text{Value of Contribution on Transfer Date} - \text{Contribution Amount} \end{aligned}$$

19 For this Class Member, Member #864675, that is:

$$20 \quad \$151.26 - \$150.56 = \$0.70$$

21 At this point, the above three steps are repeated for each of the Class Member’s  
22 Contributions, and the results are added together to determine the total Calculated Interest. As  
23

24 \_\_\_\_\_  
25 <sup>3</sup> The average days in a quarter are 91.3125. This is computed over a four-year period:  $(365 + 365 + 365 + 366)/16$ . Therefore the “Days in Plan 2 Prior to Transfer” is divided by 91.3125 to be converted into quarters.

26 <sup>4</sup> The actual calculations in Exhibit A do not use the same rounding that is being used to describe the calculations, which is only for ease of explanation in this interrogatory answer.

depicted in Exhibit A, doing so for Member #864675 yields \$171.41 in Calculated Interest. Exhibit A, Sheet 2 (Member 864675 Computation), Column O.

**Step 4:**

The next step is to subtract the Actual Interest (interest that was credited to the Class Member's account and subsequently transferred to Plan 3) from the Calculated Interest:

$$\text{First Component} = \text{Calculated Interest} - \text{Actual Interest}$$

For this Class Member, Member #864675:

$$\$28.09 = \$171.41 - \$143.32$$

Therefore, the total calculation for the First Component for this Class Member, Member #864675, is \$28.09.

**III. Second Component Calculation**

Days from Transaction Date to 1/1/1996	Quarters	Value of Contribution on 1/1/1996	Interest from Transaction Date to 1/1/1996
		63.61	
		27.3	
		63.43	
		8.73	
21	0.229979466	\$52.36	\$0.16
21	0.229979466	\$104.24	\$0.33
		Calculated Transfer Basis	\$319.67
		Actual Transfer Basis	319.18
		Difference	\$0.49
		65% of Difference	\$0.32

Exhibit A, Sheet 2 (Member 864675 Computation).

**Step 1:**

The Second Component, while similar to the First Component, requires some additional calculations. First, the Value of Contribution on 1/1/1996 is calculated in conceptually the same

manner as the Value of Contribution on Transfer Date for Component 1, for those contributions before 1/1/1996 (the Statutory Date established by RCW 41.32.8401). For this Class Member, Member #864675, the Value of Contribution on 1/1/1996 equals \$52.36 and \$104.24, for two Contributions that occurred on 12/11/1995.

The data for the Class Member, Member #864675 in this example also includes contributions with Transaction Dates after 1/1/1996 that were earned prior to 1/1/1996 (those contributions are highlighted in green). For those Contributions, the Director's proposed method considers the Value of Contribution on 1/1/1996 to be equal to the Contribution Amount (without interest).

The "Value of Contribution on 1/1/1996" for each relevant Contribution is added together. The sum is the Calculated Transfer Basis (upon which the Transfer Payment is calculated). For this Class Member, Member #864675, the Calculated Transfer Basis is \$319.67.

**Step 2:**

The next step is to determine the difference between the Calculated Transfer Basis and the Actual Transfer Basis.

$$\text{difference} = \text{Calculated Transfer Basis} - \text{Actual Transfer Basis}$$

For this Class Member, Member #864675, this is:

$$\$0.49 = \$319.67 - \$319.18$$

**Step 3:**

The last step is to multiply the difference between the Calculated Transfer Basis and the Actual Transfer Basis by the relevant percentage (65%, 45%, or 0%) to determine the Additional Transfer Payment, which yields the Second Component for this Class Member, Member #864675.

$$\text{Second Component} =$$

$$(\text{difference between Calculated Transfer Basis and Actual Transfer Basis}) \times (\text{percentage})$$

For this Class Member, Member #864675, this is:

$$\$0.32 = \$0.49 \times 65\%$$

Therefore, the total calculation for the Second Component is \$0.32 for this Class Member, Member #864675.

#### IV. Third Component Calculation

The beginning of the Third Component is the sum of the First and Second Components. For this Class Member, Member #864675, that is:

$$\$28.41 = \$28.09 + \$0.32$$

The next step would be to apply an appropriate rate to determine the amount that is required to justly compensate the Class Members for an alleged unconstitutional taking that occurred in the past. This is not the amount that the Plan 2/3 trust fund earned on the funds that were allegedly taken from the Class Members. Rather, in a Section 1983 action predicated on an unconstitutional taking, the amount of prejudgment interest is “what a reasonably prudent person investing funds so as to produce a reasonable return while maintaining safety of principal . . . would receive.” *Schneider v. County of San Diego*, 285 F.3d 784, 792 (9th Cir. 2002) (internal quotation marks and citations omitted). This requires “evidence of the rate that would be generated by investment in a diverse group of securities, including treasury bills.” (*Id.* at 793) and is an issue of fact. *Id.* at 790 The Director is seeking clarity from the Court and is seeking an expert to opine as to the appropriate applicable rate as well as the actual computation of such amounts. This expert witness will assemble and present evidence and will do so as soon as the Court confirms that the calculation of interest in this case will be done in accordance with *Schneider*.

#### V. Factors Not Addressed in this Calculation.

The Director has used the example of Class Member, Member #864675, to illustrate its proposed computation. The Director has also conducted the proposed calculations for an additional Class Member, Member #00020249, on Exhibit A, Sheet 3, Member 00020249 Computation. Many other issues apply to other Class Members, including Member #00020249,

1 which must be addressed where they arise. These include:

- 2 1. **Anomalous data for 389 Individuals:** When the Director initially provided data to  
3 Plaintiffs, information for 389 individuals was withheld to confirm its accuracy.  
4 After review, the Director provided data on these members to Plaintiffs *as it appears*  
5 *in the Department's database* and, to the extent possible, highlighted transactions  
6 that it believed may require special handling in the calculation of daily interest. The  
7 Department is working on proposals for the handling of various categories of these  
8 anomalies.
- 9 2. **Negative Transactions:** Certain transactions in the Department's database are  
10 negative. These entries reverse prior Contribution Amounts that were incorrect. The  
11 Department is working on a proposal for a reasonable way to handle these  
12 transactions within the context of its general proposal.
- 13 3. **MM/00/YYYY:** Some Transaction Dates appear in the form mm/00/YYYY – i.e.  
14 no specific day of the month is recorded for the transaction. The Department is  
15 working on a proposal for handling this issue.
- 16 4. The Director anticipates other issues will arise.

## 17 **VI. Conclusion**

18 Per the above, the Director reserves the right to modify or supplement this response  
19 subject to an expert retention, as well as the Director's ongoing investigation into the  
20 allegations, new information, and/or legal research or analysis, as well as any other basis  
21 permitted under the Federal Rules of Civil Procedure.

22  
23 **REQUEST FOR DOCUMENTS NO. 1:** Please provide all documents relating to the  
24 calculations mentioned in the question and/or answer to Interrogatory No. 1, including those  
25 pertaining to instigation of the work, the work plan, instructions, specifications, drafts, other  
26 items pertaining to how the work will be or was conducted, the calculations' output or results

sought, and comments and communications about the plan, scope of work, calculations, output, and/or results.

**RESPONSE:**

The Director objects to this Request on the basis that it seeks information subject to the attorney-client privilege, the work product doctrine, or both. The Director will not produce such documents. The Director further objects to this Request as unduly burdensome, overly broad, and not proportional to the needs of the case because it requests documents not relevant to any party's claim or defense and, even if it did, the burdens of providing the requested information outweigh any potential benefit. The Director further objects to the phrase "all documents relating to the calculations mentioned in the question and/or answer to Interrogatory No. 1" as overbroad, unduly burdensome, vague, ambiguous, and failing to identify with reasonable particularity the documents sought. The Director objects to this Request as overbroad, unduly burdensome, irrelevant, and not proportional to the needs of the case because it fails to identify a relevant time period. Finally, to the extent the Director's objections to Interrogatory No. 1 are equally applicable to this Request because the Request incorporates the Interrogatory by reference, the Director objects on those bases as well.

Subject to and notwithstanding the forgoing objections:

Plaintiffs have already received numerous documents and information, including the following:

- Smith\_001; Bates stamped Smith\_0000001–2834, produced on June 15, 2021
- Smith\_002; Bates stamped Smith\_0002835–6071, produced on June 16, 2021
- Smith\_003; Bates stamped Smith\_0006072–8915, produced on June 18, 2021
- Smith\_004; Bates stamped Smith\_0008916–10511, produced on June 23, 2021
- Public Record Request documents, produced in 2020–2021
- Class member information and data
- Documents and information in related proceedings

1 There are many hundreds of thousands of emails and well over 700 gigs of material that could  
 2 be implicated by Plaintiff's request, the vast majority of which is subject to attorney-client and  
 3 work product privileges. Reviewing all this material would be an enormous expense and burden  
 4 to the Director, far outweighing any potential relevance to this action.

5 Nonetheless, the Department is willing to meet and confer to determine the scope of  
 6 reasonable requests as well as a reasonable date limitation, search terms, and custodians.

7 The Director reserves the right to modify or supplement this response as this case  
 8 proceeds, based on the Director's ongoing investigation into the allegations, new information,  
 9 and/or legal research or analysis, as well as any other basis permitted under the Federal Rules  
 10 of Civil Procedure.

11 **REQUEST FOR DOCUMENTS NO. 2:** Please provide all documents considered by,  
 12 mentioned by, or created by or received by Sarah Blocki while working with or assisting "DRS  
 13 with needs related to this litigation" and "active in preparing the data to be produced to the  
 14 plaintiffs." Blocki [5/17/21] Dec.; Blocki [5/31/23] Dec. This includes all documents she  
 15 created, received, and/or viewed in connection with any of this work—"questions noted by the  
 16 programmer," programmers' notes, emails, answers to questions, instructions to programmers,  
 17 queries, communications with others in the Department—all information and details about how  
 18 DRS's interest crediting program worked; all information showing where the contribution dates  
 19 are found (Blocki [5/31/23] Dec. at 5, lines 21-24), all information showing why (a)  
 20 "transaction dates" were provided to plaintiffs instead of the contribution dates (*id.* at line 25;  
 21 *id.* at 6, lines 1-6) and (b) why contribution dates were needed or useful for calculations, and  
 22 all information concerning Sarah Blocki's views as to how the calculation would be made in an  
 23 "appropriate manner," as Ms. Blocki suggests.

24 **RESPONSE:**

25 The Director incorporates by reference her response to Request for Documents No. 1.

26 **REQUEST FOR DOCUMENTS NO. 3:** Please provide all calculations (as described in

1 Interrogatory No. 1) and estimates of value or cost of this case, including omitted interest,  
2 omitted transfer payment, and investment returns, provided to elements of the State, including  
3 the Department, the Legislature, the Select Committee on Pension Policy, the Department's  
4 budget office, the State Actuary, the Office of Financial Management, the Attorney General's  
5 Office, and the State Treasurer.

6 **RESPONSE:**

7 The Director incorporates by reference her response to Request for Documents No. 1.  
8  
9

10 DATED this 7th day of March, 2025.  
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1  
2 K&L Gates LLP  
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4

5 By s/ Philip M. Guess

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16 Attorneys for Defendant  
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**Source Data: Screenshot from MIS (Member Information System--DRS's database)**

This shows member's contributions from the beginning of her career through March 11, 1996 (in reverse chronological order).

For example:

The member's initial contributions (at the bottom of the screen) were recorded in MIS on 12/11/1995 for \$103.91 and \$52.20.

The member's contributions recorded 3/11/1996 were \$2.03 and \$80.85.

It is possible to scroll up to see the member's contributions throughout her career.

DRS extracted all such contributions and put them in the Excel File <Fowler Class Clean Accounts Detail with Earning Period 2020-07-07>. This file was provided to Plaintiffs.

For cross reference (as an example), the 12/11/1995 and 3/11/1996 contributions are highlighted in magenta in the sample calculation using the extracted data. See other sheet.

02/16/25

# DEPARTMENT OF RETIREMENT SYSTEMS

MIRP0220

22:01:38

## REVIEW FINANCIAL TRANSACTIONS

MIRM0220

Ver 3.10

FINCL

\*MEMBER SSN:

```
*SYS/PLAN: T2 >
```

Start At Transaction Mo/Yr: \_\_\_\_\_

View Non-Posted Transactions: **N** (Y/N)Transact  
Date

Rpt  
Mo/Yr

Earn  
Mo/Yr

Dept  
Nmbr

## Member Savings

Member  
Invoice#

Employer  
Invoice#

Optional  
Bill#

Audit	Find Id
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```
***** End of Data *****
```

## &lt;Fowler Class Clean Accounts Transfer Data 2020-04-25&gt;

Data in this file is used in DRS's proposed calculation.

The screen shot below pertains to the sample member whose calculations are done on the preceeding sheet.

A	B	C	D	E	F	G	H	I	J	K	L	M
Member ID #	Last Name	First Name	Middle Name	Plan Transfer Date	Trade Date	Transfer Basis Amount	Plan 2 Account Balance	Plan 2 Interest Amount	Transfer Payment Date #1	Transfer Payment Amount #1	Transfer Payment Date #2	Transfer Payment Amount #2
864675				19980209	19980210	\$319.18	\$3,134.28	\$143.32	19980225	\$127.67	19980624	\$79.79

PROPOSED CALCULATIONS FOR MEMBER 864675

1/1/1996

Transfer Date 2/9/1998 Cells highlighted in gray contain comments.

								Days in Plan 2		Quarters	Value of Contribution on Transfer Date	Interest from Transaction Date to Transfer Date	
Member #	Contribution Amt	Transaction Date	Earning Period	Converted Transaction Date				Prior to Transfer					
Plan 2 Interest	\$ 143.32												
Transfer Payment Amount #1	\$ 127.67												
Transfer Payment Amount #2	\$ 79.79												
Transfer Basis Amount	\$ 319.18												
864675	150.56	19980109	199711	1998	1	9	1/9/1998	31	0.339493498		\$151.26	\$0.70	
864675	14.14	19980109	199710	1998	1	9	1/9/1998	31	0.339493498		\$14.21	\$0.07	
864675	164.68	19971209	199710	1997	12	9	12/9/1997	62	0.678986995		\$166.21	\$1.53	
864675	67.46	19971105	199710	1997	11	5	11/5/1997	96	1.051334702		\$68.44	\$0.98	
864675	65.89	19971105	199709	1997	11	5	11/5/1997	96	1.051334702		\$66.84	\$0.95	
864675	34.27	19971105	199708	1997	11	5	11/5/1997	96	1.051334702		\$34.77	\$0.50	
864675	11.15	19971007	199708	1997	10	7	10/7/1997	125	1.368925394		\$11.36	\$0.21	
864675	148.42	19971007	199709	1997	10	7	10/7/1997	125	1.368925394		\$151.22	\$2.80	
864675	79.04	19970909	199706	1997	9	9	9/9/1997	153	1.675564682		\$80.87	\$1.83	
864675	67.4	19970811	199706	1997	8	11	8/11/1997	182	1.993155373		\$69.26	\$1.86	
864675	79.04	19970811	199705	1997	8	11	8/11/1997	182	1.993155373		\$81.22	\$2.18	
864675	140.28	19970709	199705	1997	7	9	7/9/1997	215	2.354551677		\$144.86	\$4.58	
864675	47.42	19970709	199704	1997	7	9	7/9/1997	215	2.354551677		\$48.97	\$1.55	
864675	151.13	19970603	199704	1997	6	3	6/3/1997	251	2.74880219		\$156.91	\$5.78	
864675	95.43	19970603	199703	1997	6	3	6/3/1997	251	2.74880219		\$99.08	\$3.65	
864675	68.51	19970502	199703	1997	5	2	5/2/1997	283	3.099247091		\$71.47	\$2.96	
864675	10.53	19970502	199702	1997	5	2	5/2/1997	283	3.099247091		\$10.99	\$0.46	
864675	96.88	19970409	199702	1997	4	9	4/9/1997	306	3.351129363		\$101.42	\$4.54	
864675	10.55	19970409	199701	1997	4	9	4/9/1997	306	3.351129363		\$11.04	\$0.49	
864675	94.67	19970311	199701	1997	3	11	3/11/1997	335	3.668720055		\$99.53	\$4.86	
864675	21.08	19970210	199701	1997	2	10	2/10/1997	364	3.986310746		\$22.26	\$1.18	
864675	70.29	19970210	199612	1997	2	10	2/10/1997	364	3.986310746		\$74.22	\$3.93	
864675	72.47	19970110	199611	1997	1	10	1/10/1997	395	4.325804244		\$76.88	\$4.41	
864675	15.81	19970110	199612	1997	1	10	1/10/1997	395	4.325804244		\$16.77	\$0.96	
864675	21.08	19961210	199611	1996	12	10	12/10/1996	426	4.665297741		\$22.47	\$1.39	
864675	70.28	19961210	199610	1996	12	10	12/10/1996	426	4.665297741		\$74.90	\$4.62	
864675	57.97	19961112	199610	1996	11	12	11/12/1996	454	4.971937029		\$62.04	\$4.07	
864675	21.08	19961112	199609	1996	11	12	11/12/1996	454	4.971937029		\$22.56	\$1.48	
864675	79.04	19961010	199609	1996	10	10	10/10/1996	487	5.333333333		\$85.01	\$5.97	
864675	73.77	19960910	199606	1996	9	10	9/10/1996	517	5.661875428		\$79.70	\$5.93	
864675	3.18	19960910	199605	1996	9	10	9/10/1996	517	5.661875428		\$3.44	\$0.26	
864675	5.27	19960823	199606	1996	8	23	8/23/1996	535	5.859000684		\$5.71	\$0.44	
864675	76.94	19960823	199605	1996	8	23	8/23/1996	535	5.859000684		\$83.35	\$6.41	
864675	39.45	19960709	199605	1996	7	9	7/9/1996	580	6.351813826		\$43.02	\$3.57	
864675	46.41	19960709	199604	1996	7	9	7/9/1996	580	6.351813826		\$50.62	\$4.21	
864675	86.65	19960614	199604	1996	6	14	6/14/1996	605	6.625598905		\$94.86	\$8.21	
864675	33.77	19960614	199603	1996	6	14	6/14/1996	605	6.625598905		\$36.97	\$3.20	
864675	5.33	19960509	199602	1996	5	9	5/9/1996	641	7.019849418		\$5.87	\$0.54	
864675	86.45	19960509	199603	1996	5	9	5/9/1996	641	7.019849418		\$95.15	\$8.70	
864675	79.92	19960409	199602	1996	4	9	4/9/1996	671	7.348391513		\$88.36	\$8.44	
864675	2.03	19960311	199602	1996	3	11	3/11/1996	700	7.665982204		\$2.25	\$0.22	
864675	80.85	19960311	199601	1996	3	11	3/11/1996	700	7.665982204		\$89.77	\$8.92	
864675	25.21	19960209	199601	1996	2	9	2/9/1996	731	8.005475702		\$28.12	\$2.91	
864675	63.61	19960209	199512	1996	2	9	2/9/1996	731	8.005475702		\$70.96	\$7.35	
864675	27.3	19960109	199512	1996	1	9	1/9/1996	762	8.344969199		\$30.60	\$3.30	
864675	63.43	19960109	199511	1996	1	9	1/9/1996	762	8.344969199		\$71.09	\$7.66	
864675	8.73	19960109	199510	1996	1	9	1/9/1996	762	8.344969199		\$9.78	\$1.05	
864675	52.2	19951211	199511	1995	12	11	12/11/1995	791	8.66255989		\$58.76	\$6.56	
864675	103.91	19951211	199510	1995	12	11	12/11/1995	791	8.66255989		\$116.96	\$13.05	

Calculated Interest	\$171.41
Actual Interest	143.32
Difference	\$28.09

Days from Transaction Date to 1/1/1996	Quarters	Value of Contribution on 1/1/1996	Interest from Transaction Date to 1/1/1996
		63.61	
		27.3	
		63.43	
		8.73	
21	0.229979466	\$52.36	\$0.16
21	0.229979466	\$104.24	\$0.33

Calculated Transfer Basis	\$319.67
Actual Transfer Basis	319.18
Difference	\$0.49
65% of Difference	\$0.32

Total Additional Amt to Deposit in Plan 3 Account \$28.41

PROPOSED CALCULATIONS FOR MEMBER 00020249

1/1/1996

Transfer Date	12/9/1996	Member #	Contribution Amt	Transaction Date	Earning Period	Converted		Days in Plan 2 Prior to Transfer	Quarters	Value of		Interest from	
						Transaction Date	Transaction Date			Contribution on Transfer Date	Transaction Date to Transfer Date		
Plan 2 Interest	13668.9	00020249	000215.09	19961115	199610	1996	11	15	11/15/1996	24	0.262833676	215.86	0.77
		00020249	000006.55	19961115	199609	1996	11	15	11/15/1996	24	0.262833676	6.57	0.02
		00020249	000107.87	19961115	199608	1996	11	15	11/15/1996	24	0.262833676	108.26	0.39
		00020249	000346.25	19961015	199609	1996	10	15	10/15/1996	55	0.602327173	349.11	2.86
		00020249	000040.17	19961015	199608	1996	10	15	10/15/1996	55	0.602327173	40.50	0.33
		00020249	000015.97	19961015	199607	1996	10	15	10/15/1996	55	0.602327173	16.10	0.13
		00020249	000005.32	19961015	199606	1996	10	15	10/15/1996	55	0.602327173	5.36	0.04
		00020249	000267.59	19960919	199607	1996	9	19	9/19/1996	81	0.887063655	270.85	3.26
		00020249	000035.20	19960919	199606	1996	9	19	9/19/1996	81	0.887063655	35.63	0.43
		00020249	000304.92	19960826	199606	1996	8	26	8/26/1996	105	1.149897331	309.75	4.83
		00020249	000005.32	19960826	199605	1996	8	26	8/26/1996	105	1.149897331	5.40	0.08
		00020249	000008.52	19960826	199604	1996	8	26	8/26/1996	105	1.149897331	8.65	0.13
		00020249	000005.32	19960826	199602	1996	8	26	8/26/1996	105	1.149897331	5.40	0.08
		00020249	000021.98	19960711	199606	1996	7	11	7/11/1996	151	1.653661875	22.48	0.50
		00020249	000131.09	19960711	199605	1996	7	11	7/11/1996	151	1.653661875	134.08	2.99
		00020249	000034.81	19960711	199604	1996	7	11	7/11/1996	151	1.653661875	35.61	0.80
		00020249	000104.26	19960711	199603	1996	7	11	7/11/1996	151	1.653661875	106.64	2.38
		00020249	000292.15	19960618	199605	1996	6	18	6/18/1996	174	1.905544148	299.85	7.70
		00020249	000305.45	19960508	199604	1996	5	8	5/8/1996	215	2.354551677	315.43	9.98
		00020249	000016.81	19960409	199601	1996	4	9	4/9/1996	244	2.672142368	17.43	0.62
		00020249	000275.34	19960409	199603	1996	4	9	4/9/1996	244	2.672142368	285.57	10.23
		00020249	000007.45	19960409	199602	1996	4	9	4/9/1996	244	2.672142368	7.73	0.28
		00020249	000257.64	19960307	199602	1996	3	7	3/7/1996	277	3.033538672	268.54	10.90
		00020249	000008.30	19960307	199601	1996	3	7	3/7/1996	277	3.033538672	8.65	0.35
		00020249	000042.17	19960307	199511	1996	3	7	3/7/1996	277	3.033538672	43.95	1.78
		00020249	000308.12	19960209	199601	1996	2	9	2/9/1996	304	3.329226557	322.45	14.33
		00020249	000177.43	19960110	199512	1996	1	10	1/10/1996	334	3.657768652	186.52	9.09
		00020249	000118.97	19960110	199511	1996	1	10	1/10/1996	334	3.657768652	125.06	6.09
		00020249	000012.78	19960110	199510	1996	1	10	1/10/1996	334	3.657768652	13.43	0.65
		00020249	000006.39	19960110	199509	1996	1	10	1/10/1996	334	3.657768652	6.72	0.33
		00020249	000150.00	19951211	199511	1995	12	11	12/11/1995	364	3.986310746	158.39	8.39
		00020249	000142.15	19951211	199510	1995	12	11	12/11/1995	364	3.986310746	150.10	7.95
		00020249	000228.62	19951114	199510	1995	11	14	11/14/1995	391	4.281998631	242.39	13.77
		00020249	000086.91	19951114	199508	1995	11	14	11/14/1995	391	4.281998631	92.14	5.23
		00020249	000337.94	19951012	199509	1995	10	12	10/12/1995	424	4.643394935	360.06	22.12
		00020249	000019.18	19951012	199508	1995	10	12	10/12/1995	424	4.643394935	20.44	1.26
00020249	000200.31	19950911	199507	1995	9	11	9/11/1995	455	4.982888433	214.42	14.11		
00020249	000068.14	19950911	199506	1995	9	11	9/11/1995	455	4.982888433	72.94	4.80		
00020249	000051.36	19950817	199506	1995	8	17	8/17/1995	480	5.256673511	55.18	3.82		
00020249	000114.49	19950817	199505	1995	8	17	8/17/1995	480	5.256673511	123.01	8.52		
00020249	000011.67	19950817	199504	1995	8	17	8/17/1995	480	5.256673511	12.54	0.87		
00020249	000128.86	19950817	199503	1995	8	17	8/17/1995	480	5.256673511	138.45	9.59		
00020249	000268.45	19950714	199506	1995	7	14	7/14/1995	514	5.629021218	289.90	21.45		
00020249	000284.02	19950622	199505	1995	6	22	6/22/1995	536	5.869952088	307.73	23.71		
00020249	000277.81	19950511	199504	1995	5	11	5/11/1995	578	6.32991102	302.89	25.08		
00020249	000002.32	19950511	199503	1995	5	11	5/11/1995	578	6.32991102	2.53	0.21		
00020249	000007.78	19950511	199502	1995	5	11	5/11/1995	578	6.32991102	8.48	0.70		
00020249	000268.45	19950412	199503	1995	4	12	4/12/1995	607	6.647501711	293.96	25.51		
00020249	-0.97	19950412	199501	1995	4	12	4/12/1995	607	6.647501711	-1.06	-0.09		
00020249	000006.57	19950313	199503	1995	3	13	3/13/1995	637	6.976043806	7.23	0.66		
00020249	000221.79	19950313	199502	1995	3	13	3/13/1995	637	6.976043806	243.96	22.17		
00020249	000069.28	19950313	199501	1995	3	13	3/13/1995	637	6.976043806	76.20	6.92		
00020249	000005.84	19950313	199412	1995	3	13	3/13/1995	637	6.976043806	6.42	0.58		
00020249	000003.89	19950313	199411	1995	3	13	3/13/1995	637	6.976043806	4.28	0.39		
00020249	000248.82	19950209	199501	1995	2	9	2/9/1995	669	7.326488706	275.00	26.18		
00020249	-14.59	19950209	199412	1995	2	9	2/9/1995	669	7.326488706	-16.13	-1.54		
00020249	000048.82	19950209	199411	1995	2	9	2/9/1995	669	7.326488706	53.96	5.14		
00020249	000178.43	19950109	199412	1995	1	9	1/9/1995	700	7.665982204	198.12	19.69		
00020249	000102.67	19950109	199411	1995	1	9	1/9/1995	700	7.665982204	114.00	11.33		
00020249	000002.92	19950109	199410	1995	1	9	1/9/1995	700	7.665982204	3.24	0.32		
00020249	000156.71	19941214	199411	1994	12	14	12/14/1994	726	7.950718686	174.68	17.97		
00020249	000140.92	19941214	199410	1994	12	14	12/14/1994	726	7.950718686	157.08	16.16		
00020249	000016.54	19941214	199409	1994	12	14	12/14/1994	726	7.950718686	18.44	1.90		
00020249	000212.17	19941115	199410	1994	11	15	11/15/1994	755	8.268309377	237.53	25.36		
00020249	000066.09	19941115	199409	1994	11	15	11/15/1994	755	8.268309377	73.99	7.90		
00020249	000258.65	19941011	199409	1994	10	11	10/11/1994	790	8.651608487	291.09	32.44		
00020249	000069.78	19941011	199408	1994	10	11	10/11/1994	790	8.651608487	78.53	8.75		
00020249	000007.55	19941011	199406	1994	10	11	10/11/1994	790	8.651608487	8.50	0.95		
00020249	000207.60	19940908	199407	1994	9	8	9/8/1994	823	9.013004791	234.79	27.19		
00020249	000057.94	19940908	199406	1994	9	8	9/8/1994	823	9.013004791	65.53	7.59		
00020249	000001.24	19940908	199405	1994	9	8	9/8/1994	823	9.013004791	1.40	0.16		
00020249	000129.11	19940809	199405	1994	8	9	8/9/1994	853	9.341546886	146.68	17.57		
00020249	000033.94	19940809	199404	1994	8	9	8/9/1994	853	9.341546886	38.56	4.62		

00020249	000131.89	19940809	199403	1994	8	9	8/9/1994	853	9.341546886	149.84	17.95	510	5.585215606	\$	142.34	\$	10.45
00020249	000007.55	19940809	199402	1994	8	9	8/9/1994	853	9.341546886	8.58	1.03	510	5.585215606	\$	8.15	\$	0.60
00020249	000011.71	19940809	199401	1994	8	9	8/9/1994	853	9.341546886	13.30	1.59	510	5.585215606	\$	12.64	\$	0.93
00020249	000003.55	19940809	199311	1994	8	9	8/9/1994	853	9.341546886	4.03	0.48	510	5.585215606	\$	3.83	\$	0.28
00020249	000291.33	19940713	199406	1994	7	13	7/13/1994	880	9.637234771	332.31	40.98	537	5.880903491	\$	315.69	\$	24.36
00020249	000266.78	19940609	199405	1994	6	9	6/9/1994	914	10.00958248	305.86	39.08	571	6.253251198	\$	290.56	\$	23.78
00020249	000280.00	19940517	199404	1994	5	17	5/17/1994	937	10.26146475	322.12	42.12	594	6.50513347	\$	306.01	\$	26.01
00020249	000266.78	19940414	199403	1994	4	14	4/14/1994	970	10.62286105	308.43	41.65	627	6.866529774	\$	293.01	\$	26.23
00020249	000212.41	19940310	199402	1994	3	10	3/10/1994	1005	11.00616016	246.86	34.45	662	7.249828884	\$	234.52	\$	22.11
00020249	000063.81	19940310	199311	1994	3	10	3/10/1994	1005	11.00616016	74.16	10.35	662	7.249828884	\$	70.45	\$	6.64
00020249	000280.94	19940222	199401	1994	2	22	2/22/1994	1021	11.18138261	327.29	46.35	678	7.425051335	\$	310.92	\$	29.98
00020249	000190.75	19940114	199312	1994	1	14	1/14/1994	1060	11.60848734	223.52	32.77	717	7.852156057	\$	212.34	\$	21.59
00020249	000087.36	19940114	199311	1994	1	14	1/14/1994	1060	11.60848734	102.37	15.01	717	7.852156057	\$	97.25	\$	9.89
00020249	000148.14	19931216	199311	1993	12	16	12/16/1993	1089	11.92807803	174.34	26.20	746	8.169746749	\$	165.63	\$	17.49
00020249	000096.72	19931216	199310	1993	12	16	12/16/1993	1089	11.92607803	113.83	17.11	746	8.169746749	\$	108.14	\$	11.42
00020249	000071.01	19931216	199309	1993	12	16	12/16/1993	1089	11.92607803	83.57	12.56	746	8.169746749	\$	79.39	\$	8.38
00020249	000280.94	19931116	199310	1993	11	16	11/16/1993	1119	12.25462012	332.12	51.18	776	8.498288843	\$	315.51	\$	34.57
00020249	000266.78	19931020	199309	1993	10	20	10/20/1993	1146	12.55030801	316.66	49.88	803	8.793976728	\$	300.82	\$	34.04
00020249	000073.20	19931020	199308	1993	10	20	10/20/1993	1146	12.55030801	86.89	13.69	803	8.793976728	\$	82.54	\$	9.34
00020249	000084.77	19930924	199306	1993	9	24	9/24/1993	1172	12.83504449	101.01	16.24	829	9.07871321	\$	95.96	\$	11.19
00020249	000185.40	19930924	199307	1993	9	24	9/24/1993	1172	12.83504449	220.92	35.52	829	9.07871321	\$	209.87	\$	24.47
00020249	000242.65	19930817	199306	1993	8	17	8/17/1993	1210	13.25119781	290.78	48.13	867	9.49486653	\$	276.24	\$	33.59
00020249	000009.76	19930817	199305	1993	8	17	8/17/1993	1210	13.25119781	11.70	1.94	867	9.49486653	\$	11.11	\$	1.35
00020249	000066.56	19930716	199305	1993	7	16	7/16/1993	1242	13.60164271	80.15	13.59	899	9.845311431	\$	76.14	\$	9.58
00020249	000028.77	19930716	199304	1993	7	16	7/16/1993	1242	13.60164271	34.64	5.87	899	9.845311431	\$	32.91	\$	4.14
00020249	000115.07	19930716	199303	1993	7	16	7/16/1993	1242	13.60164271	138.56	23.49	899	9.845311431	\$	131.63	\$	16.56
00020249	000017.75	19930716	199302	1993	7	16	7/16/1993	1242	13.60164271	21.37	3.62	899	9.845311431	\$	20.30	\$	2.55
00020249	000014.20	19930716	199212	1993	7	16	7/16/1993	1242	13.60164271	17.10	2.90	899	9.845311431	\$	16.24	\$	2.04
00020249	000020.70	19930716	199211	1993	7	16	7/16/1993	1242	13.60164271	24.93	4.23	899	9.845311431	\$	23.68	\$	2.98
00020249	000252.41	19930610	199305	1993	6	10	6/10/1993	1278	13.99589322	305.57	53.16	935	10.23956194	\$	290.29	\$	37.88
00020249	000267.50	19930512	199304	1993	5	12	5/12/1993	1307	14.31348392	325.25	57.75	964	10.55715264	\$	308.98	\$	41.48
00020249	000270.17	19930409	199303	1993	4	9	4/9/1993	1340	14.67488022	330.12	59.95	997	10.91854894	\$	313.61	\$	43.44
00020249	000252.99	19930318	199302	1993	3	18	3/18/1993	1362	14.91581109	310.15	57.16	1019	11.15947981	\$	294.64	\$	41.65
00020249	-8.88	19930318	199301	1993	3	18	3/18/1993	1362	14.91581109	-10.89	-2.01	1019	11.15947981	\$	(10.34)	\$	(1.46)
00020249	000026.06	19930318	199211	1993	3	18	3/18/1993	1362	14.91581109	31.95	5.89	1019	11.15947981	\$	30.35	\$	4.29
00020249	000252.99	19930218	199301	1993	2	18	2/18/1993	1390	15.22245038	311.45	58.46	1047	11.46611191	\$	295.87	\$	42.88
00020249	000041.15	19930218	199211	1993	2	18	2/18/1993	1390	15.22245038	50.66	9.51	1047	11.46611191	\$	48.13	\$	6.98
00020249	000192.87	19921200	199212	1992	12	0	11/30/1992	1470	16.09856263	240.29	47.42	1127	12.34223135	\$	228.28	\$	35.41
00020249	000063.10	19921200	199211	1992	12	0	11/30/1992	1470	16.09856263	78.62	15.52	1127	12.34223135	\$	74.68	\$	11.58
00020249	000014.20	19921200	199210	1992	12	0	11/30/1992	1470	16.09856263	17.69	3.49	1127	12.34223135	\$	16.81	\$	2.61
00020249	000140.31	19921100	199211	1992	11	0	10/31/1992	1500	16.42710472	175.60	35.29	1157	12.67077344	\$	166.82	\$	26.51
00020249	000057.38	19921100	199210	1992	11	0	10/31/1992	1500	16.42710472	71.81	14.43	1157	12.67077344	\$	68.22	\$	10.84
00020249	000080.46	19921100	199209	1992	11	0	10/31/1992	1500	16.42710472	100.69	20.23	1157	12.67077344	\$	95.66	\$	15.20
00020249	000279.04	19921000	199210	1992	10	0	9/30/1992	1531	16.76659822	350.84	71.80	1188	13.01026694	\$	333.29	\$	54.25
00020249	000036.79	19920928	199206	1992	9	28	9/28/1992	1533	16.78850103	46.27	9.48	1190	13.03216975	\$	43.96	\$	7.17
00020249	000086.46	19920928	199205	1992	9	28	9/28/1992	1533	16.78850103	108.74	22.28	1190	13.03216975	\$	103.30	\$	16.84
00020249	000048.26	19920928	199204	1992	9	28	9/28/1992	1533	16.78850103	60.70	12.44	1190	13.03216975	\$	57.66	\$	9.40
00020249	000040.65	19920928	199203	1992	9	28	9/28/1992	1533	16.78850103	51.12	10.47	1190	13.03216975	\$	48.57	\$	7.92
00020249	000252.41	19920900	199209	1992	9	0	8/31/1992	1561	17.09514031	318.78	66.37	1218	13.33880903	\$	302.84	\$	50.43
00020249	000058.53	19920900	199208	1992	9	0	8/31/1992	1561	17.09514031	73.92	15.39	1218	13.33880903	\$	70.22	\$	11.69
00020249	000012.54	19920900	199207	1992	9	0	8/31/1992	1561	17.09514031	15.84	3.30	1218	13.33880903	\$	15.05	\$	2.51
00020249	000153.13	19920831	199201	1992	8	31	8/31/1992	1561	17.09514031	193.40	40.27	1218	13.33880903	\$	183.73	\$	30.60
00020249	000089.66	19920831	199203	1992	8	31	8/31/1992	1561	17.09514031	113.24	23.58	1218	13.33880903	\$	107.57	\$	17.91
00020249	000009.51	19920831	199202	1992	8	31	8/31/1992	1561	17.09514031	12.01	2.50	1218	13.33880903	\$	11.41	\$	1.90
00020249	000086.74	19920600	199201	1992	6	0	5/31/1992	1653	18.10266894	111.07	24.33	1310	14.34633812	\$	105.51	\$	18.77
00020249	000125.42	19920600	199206	1992	6	0	5/31/1992	1653	18.10266894	160.59	35.17	1310	14.34633812	\$	152.56	\$	27.14
00020249	000214.67	19920500	199205	1992	5	0	4/30/1992	1684	18.4421629	276.15	61.48	1341	14.68583162	\$	262.34	\$	47.67
00020249	000227.21	19920400	199204	1992	4	0	3/31/1992	1714	18.770705	293.60	66.39	1371	15.01437372	\$	278.92	\$	51.71
00020249	000221.67	19920300	199203	1992	3	0	2/29/1992	1745	19.11019849	287.77	66.10	1402	15.35386721	\$	273.38	\$	51.71
00020249	000225.76	19920200	199202	1992	2	0	1/31/1992	1774	19.42778919	294.35	68.59	1431	15.67145791	\$	279.64	\$	53.88
00020249	000005.84	19920200	199201	1992	2	0	1/31/1992	1774	19.42778919	7.61	1.77	1431	15.67145791	\$	7.23	\$	1.39
00020249	000007.16	19920200	199112	1992	2	0	1/31/1992	1774	19.42778919	9.34	2.18	1431	15.67145791	\$	8.87	\$	1.71
00020249	000024.57	19920100	199201	1992	1	0	12/31/1991	1805	19.76728268	32.18	7.61	1462	16.0109514	\$	30.57	\$	6.00
00020249	000005.81	19920100	199112	1992	1	0	12/31/1991	1805	19.76728268	7.61	1.80	1462	16.0109514	\$	7.23	\$	1.42
00020249	000036.35	19920100															

00020249	000009.27	19910800	199011	1991	8	0	7/31/1991	1958	21.44284736	12.42	3.15	1615	17.68651608	\$	11.80	\$	2.53
00020249	000021.80	19910800	199010	1991	8	0	7/31/1991	1958	21.44284736	29.22	7.42	1615	17.68651608	\$	27.76	\$	5.96
00020249	000020.19	19910800	199009	1991	8	0	7/31/1991	1958	21.44284736	27.06	6.87	1615	17.68651608	\$	25.71	\$	5.52
00020249	000034.45	19910700	199102	1991	7	0	6/30/1991	1989	21.78234086	46.38	11.93	1646	18.02600958	\$	44.07	\$	9.62
00020249	000025.24	19910700	199101	1991	7	0	6/30/1991	1989	21.78234086	33.98	8.74	1646	18.02600958	\$	32.28	\$	7.04
00020249	000012.03	19910700	199012	1991	7	0	6/30/1991	1989	21.78234086	16.20	4.17	1646	18.02600958	\$	15.39	\$	3.36
00020249	000062.28	19910700	199011	1991	7	0	6/30/1991	1989	21.78234086	83.86	21.58	1646	18.02600958	\$	79.66	\$	17.38
00020249	000095.37	19910700	199010	1991	7	0	6/30/1991	1989	21.78234086	128.41	33.04	1646	18.02600958	\$	121.99	\$	26.62
00020249	000215.67	19910600	199106	1991	6	0	5/31/1991	2019	22.11088296	291.69	76.02	1676	18.35455168	\$	277.11	\$	61.44
00020249	000230.20	19910500	199105	1991	5	0	4/30/1991	2050	22.45037645	312.79	82.59	1707	18.69404517	\$	297.15	\$	66.95
00020249	000219.14	19910400	199104	1991	4	0	3/31/1991	2080	22.77891855	299.10	79.96	1737	19.02258727	\$	284.15	\$	65.01
00020249	000224.83	19910300	199103	1991	3	0	2/28/1991	2111	23.11841205	308.30	83.47	1768	19.36208077	\$	292.88	\$	68.05
00020249	000241.04	19910200	199102	1991	2	0	1/31/1991	2139	23.42505133	331.91	90.87	1796	19.66872005	\$	315.31	\$	74.27
00020249	000238.05	19910100	199101	1991	1	0	12/31/1990	2170	23.76454483	329.32	91.27	1827	20.00821355	\$	312.85	\$	74.80
00020249	000000.14	19910100	199010	1991	1	0	12/31/1990	2170	23.76454483	0.19	0.05	1827	20.00821355	\$	0.18	\$	0.04
00020249	000187.94	19901200	199012	1990	12	0	11/30/1990	2201	24.10403833	261.20	73.26	1858	20.34770705	\$	248.14	\$	60.20
00020249	000000.50	19901200	199010	1990	12	0	11/30/1990	2201	24.10403833	0.69	0.19	1858	20.34770705	\$	0.66	\$	0.16
00020249	000037.55	19901200	199009	1990	12	0	11/30/1990	2201	24.10403833	52.19	14.64	1858	20.34770705	\$	49.58	\$	12.03
00020249	000010.69	19901200	199008	1990	12	0	11/30/1990	2201	24.10403833	14.86	4.17	1858	20.34770705	\$	14.11	\$	3.42
00020249	000230.66	19901100	199011	1990	11	0	10/31/1990	2231	24.43258042	322.02	91.36	1888	20.67624914	\$	305.91	\$	75.25
00020249	000215.80	19901000	199010	1990	10	0	9/30/1990	2262	24.77207392	302.67	86.87	1919	21.01574264	\$	287.54	\$	71.74
00020249	000215.80	19900900	199009	1990	9	0	8/31/1990	2292	25.10061602	304.03	88.23	1949	21.34428474	\$	288.83	\$	73.03
00020249	000021.38	19900800	199007	1990	8	0	7/31/1990	2323	25.44010951	30.26	8.88	1980	21.68377823	\$	28.75	\$	7.37
00020249	-46.86	19900800	199006	1990	8	0	7/31/1990	2323	25.44010951	-66.33	-19.47	1980	21.68377823	\$	(63.01)	\$	(16.15)
00020249	000106.01	19900800	199005	1990	8	0	7/31/1990	2323	25.44010951	150.05	44.04	1980	21.68377823	\$	142.54	\$	36.53
00020249	000037.50	19900800	199004	1990	8	0	7/31/1990	2323	25.44010951	53.08	15.58	1980	21.68377823	\$	50.42	\$	12.92
00020249	000094.52	19900800	199003	1990	8	0	7/31/1990	2323	25.44010951	133.78	39.26	1980	21.68377823	\$	127.09	\$	32.57
00020249	-0.35	19900800	199002	1990	8	0	7/31/1990	2323	25.44010951	-0.50	-0.15	1980	21.68377823	\$	(0.47)	\$	(0.12)
00020249	000007.01	19900700	198909	1990	7	0	6/30/1990	2354	25.77960301	9.97	2.96	2011	22.02327173	\$	9.47	\$	2.46
00020249	000013.19	19900700	199002	1990	7	0	6/30/1990	2354	25.77960301	18.76	5.57	2011	22.02327173	\$	17.82	\$	4.63
00020249	000039.66	19900700	199001	1990	7	0	6/30/1990	2354	25.77960301	56.40	16.74	2011	22.02327173	\$	53.58	\$	13.92
00020249	000013.32	19900700	198912	1990	7	0	6/30/1990	2354	25.77960301	18.94	5.62	2011	22.02327173	\$	17.99	\$	4.67
00020249	000035.26	19900700	198911	1990	7	0	6/30/1990	2354	25.77960301	50.14	14.88	2011	22.02327173	\$	47.63	\$	12.37
00020249	000075.96	19900700	198910	1990	7	0	6/30/1990	2354	25.77960301	108.01	32.05	2011	22.02327173	\$	102.61	\$	26.65
00020249	000183.65	19900600	199006	1990	6	0	5/31/1990	2384	26.10814511	262.32	78.67	2041	22.35181383	\$	249.20	\$	65.55
00020249	000185.74	19900500	199005	1990	5	0	4/30/1990	2415	26.4476386	266.54	80.80	2072	22.69130732	\$	253.21	\$	67.47
00020249	000192.87	19900400	199004	1990	4	0	3/31/1990	2445	26.7761807	278.02	85.15	2102	23.01984942	\$	264.11	\$	71.24
00020249	000201.42	19900300	199003	1990	3	0	2/28/1990	2476	27.1156742	291.69	90.27	2133	23.35934292	\$	277.10	\$	75.68
00020249	000207.49	19900200	199002	1990	2	0	1/31/1990	2504	27.42231348	301.74	94.25	2161	23.6659822	\$	286.65	\$	79.16
00020249	000196.30	19900100	199001	1990	1	0	12/31/1989	2535	27.76180698	286.80	90.50	2192	24.0054757	\$	272.45	\$	76.15
00020249	000143.05	19891200	198912	1989	12	0	11/30/1989	2566	28.10130048	209.97	66.92	2223	24.3449692	\$	199.47	\$	56.42
00020249	000039.93	19891200	198909	1989	12	0	11/30/1989	2566	28.10130048	58.61	18.68	2223	24.3449692	\$	55.68	\$	15.75
00020249	000193.31	19891100	198911	1989	11	0	10/31/1989	2596	28.42984257	285.02	91.71	2253	24.67351129	\$	270.76	\$	77.45
00020249	000184.32	19891000	198910	1989	10	0	9/30/1989	2627	28.76933607	273.02	88.70	2284	25.01300479	\$	259.37	\$	75.05
00020249	000193.66	19890900	198909	1989	9	0	8/31/1989	2657	29.09787817	288.15	94.49	2314	25.34154689	\$	273.74	\$	80.08
00020249	-9.58	19890800	198810	1989	8	0	7/31/1989	2688	29.43737166	-14.32	-4.74	2345	25.68104038	\$	(13.60)	\$	(4.02)
00020249	000093.99	19890800	198905	1989	8	0	7/31/1989	2688	29.43737166	140.50	46.51	2345	25.68104038	\$	133.47	\$	39.48
00020249	000029.77	19890800	198904	1989	8	0	7/31/1989	2688	29.43737166	44.50	14.73	2345	25.68104038	\$	42.28	\$	12.51
00020249	000048.24	19890800	198903	1989	8	0	7/31/1989	2688	29.43737166	72.11	23.87	2345	25.68104038	\$	68.50	\$	20.26
00020249	-14.18	19890800	198902	1989	8	0	7/31/1989	2688	29.43737166	-21.20	-7.02	2345	25.68104038	\$	(20.14)	\$	(5.96)
00020249	000009.58	19890800	198811	1989	8	0	7/31/1989	2688	29.43737166	14.32	4.74	2345	25.68104038	\$	13.60	\$	4.02
00020249	000008.83	19890700	198811	1989	7	0	6/30/1989	2719	29.77686516	13.26	4.43	2376	26.02053388	\$	12.60	\$	3.77
00020249	000029.26	19890700	198810	1989	7	0	6/30/1989	2719	29.77686516	43.94	14.68	2376	26.02053388	\$	41.74	\$	12.48
00020249	000010.55	19890700	198809	1989	7	0	6/30/1989	2719	29.77686516	15.84	5.29	2376	26.02053388	\$	15.05	\$	4.50
00020249	000034.90	19890700	198903	1989	7	0	6/30/1989	2719	29.77686516	52.41	17.51	2376	26.02053388	\$	49.79	\$	14.89
00020249	000016.27	19890700	198902	1989	7	0	6/30/1989	2719	29.77686516	24.43	8.16	2376	26.02053388	\$	23.21	\$	6.94
00020249	000048.15	19890700	198901	1989	7	0	6/30/1989	2719	29.77686516	72.31	24.16	2376	26.02053388	\$	68.69	\$	20.54
00020249	000009.86	19890700	198812	1989	7	0	6/30/1989	2719	29.77686516	14.81	4.95	2376	26.02053388	\$	14.07	\$	4.21
00020249	000000.24	19890600	198809	1989	6	0	5/31/1989	2749	30.10540726	0.36	0.12	2406	26.34907598	\$	0.34	\$	0.10
00020249	000004.37	19890600	198808	1989	6	0	5/31/1989	2749	30.10540726	6.59	2.22	2406	26.34907598	\$	6.26	\$	1.89
00020249	000154.26	19890600	198906	1989	6	0	5/31/1989	2749	30.10540726	232.70	78.44	2406	26.34907598	\$	221.07	\$	66.81
00020249	000159.22	19890500	198905	1989	5	0	4/30/1989	2780	30.44490075	241.30	82.08	2437	26.68856947	\$	229.24	\$	70.02
00020249	000157.82	19890400	198904	1989	4	0	3/31/1989	2810	30.77344285	240.26	82.44	2467	27.01711157	\$	228.24	\$	70.42
00020249	000170.07	19890300	198903	1989	3	0	2/28/1989	2841	31.11293634	260.11	90.04	2498	27.35660507	\$	247.10	\$	77.03
00020249	000198.11	19890200	198902	1989	2												

00020249	000009.73	19880700	198712	1988	7	0	6/30/1988	3084	33.77412731	15.43	5.70	2741	30.01779603 \$	14.66 \$	4.93
00020249	000015.37	19880700	198711	1988	7	0	6/30/1988	3084	33.77412731	24.38	9.01	2741	30.01779603 \$	23.16 \$	7.79
00020249	000087.31	19880600	198806	1988	6	0	5/31/1988	3114	34.1026684	139.10	51.79	2771	30.34633812 \$	132.14 \$	44.83
00020249	000030.58	19880600	198711	1988	6	0	5/31/1988	3114	34.1026684	48.72	18.14	2771	30.34633812 \$	46.28 \$	15.70
00020249	000038.27	19880600	198710	1988	6	0	5/31/1988	3114	34.1026684	60.97	22.70	2771	30.34633812 \$	57.92 \$	19.65
00020249	000006.10	19880600	198709	1988	6	0	5/31/1988	3114	34.1026684	9.72	3.62	2771	30.34633812 \$	9.23 \$	3.13
00020249	000160.72	19880500	198805	1988	5	0	4/30/1988	3145	34.4421629	257.24	96.52	2802	30.68583162 \$	244.38 \$	83.66
00020249	000168.58	19880400	198804	1988	4	0	3/31/1988	3175	34.770705	271.04	102.46	2832	31.01437372 \$	257.48 \$	88.90
00020249	000194.08	19880300	198803	1988	3	0	2/29/1988	3206	35.11019849	313.48	119.40	2863	31.35386721 \$	297.81 \$	103.73
00020249	000208.77	19880200	198802	1988	2	0	1/31/1988	3235	35.42778919	338.68	129.91	2892	31.67145791 \$	321.74 \$	112.97
00020249	000011.97	19880200	198709	1988	2	0	1/31/1988	3235	35.42778919	19.42	7.45	2892	31.67145791 \$	18.45 \$	6.48
00020249	000011.50	19880200	198708	1988	2	0	1/31/1988	3235	35.42778919	18.66	7.16	2892	31.67145791 \$	17.72 \$	6.22
00020249	000148.42	19880100	198801	1988	1	0	12/31/1987	3266	35.76728268	241.89	93.47	2923	32.0109514 \$	229.80 \$	81.38
00020249	000146.31	19871200	198712	1987	12	0	11/30/1987	3297	36.10677618	239.56	93.25	2954	32.3504449 \$	227.58 \$	81.27
00020249	000146.31	19871100	198711	1987	11	0	10/31/1987	3327	36.43531828	240.64	94.33	2984	32.678987 \$	228.61 \$	82.30
00020249	000154.23	19871000	198710	1987	10	0	9/30/1987	3358	36.77481177	254.84	100.61	3015	33.01848049 \$	242.10 \$	87.87
00020249	000166.70	19870900	198709	1987	9	0	8/31/1987	3388	37.10335387	276.69	109.99	3045	33.34702259 \$	262.85 \$	96.15
00020249	000049.52	19870800	198705	1987	8	0	7/31/1987	3419	37.44284736	82.58	33.06	3076	33.68651608 \$	78.45 \$	28.93
00020249	000050.56	19870800	198704	1987	8	0	7/31/1987	3419	37.44284736	84.31	33.75	3076	33.68651608 \$	80.09 \$	29.53
00020249	000041.47	19870800	198703	1987	8	0	7/31/1987	3419	37.44284736	69.15	27.68	3076	33.68651608 \$	65.69 \$	24.22
00020249	000050.81	19870700	198612	1987	7	0	6/30/1987	3450	37.78234086	85.12	34.31	3107	34.02600958 \$	80.86 \$	30.05
00020249	000002.01	19870700	198611	1987	7	0	6/30/1987	3450	37.78234086	3.37	1.36	3107	34.02600958 \$	3.20 \$	1.19
00020249	000019.18	19870700	198703	1987	7	0	6/30/1987	3450	37.78234086	32.13	12.95	3107	34.02600958 \$	30.52 \$	11.34
00020249	000043.68	19870700	198702	1987	7	0	6/30/1987	3450	37.78234086	73.18	29.50	3107	34.02600958 \$	69.52 \$	25.84
00020249	000031.14	19870700	198701	1987	7	0	6/30/1987	3450	37.78234086	52.17	21.03	3107	34.02600958 \$	49.56 \$	18.42
00020249	000049.52	19870600	198611	1987	6	0	5/31/1987	3480	38.11088296	83.33	33.81	3137	34.35455168 \$	79.16 \$	29.64
00020249	000019.46	19870600	198610	1987	6	0	5/31/1987	3480	38.11088296	32.75	13.29	3137	34.35455168 \$	31.11 \$	11.65
00020249	000073.34	19870600	198706	1987	6	0	5/31/1987	3480	38.11088296	123.42	50.08	3137	34.35455168 \$	117.24 \$	43.90
00020249	000143.98	19870505	198612	1987	5	5	5/5/1987	3506	38.39561944	243.23	99.25	3163	34.63928816 \$	231.07 \$	87.09
00020249	000145.42	19870500	198705	1987	5	0	4/30/1987	3511	38.45037645	245.85	100.43	3168	34.69404517 \$	233.56 \$	88.14
00020249	000135.90	19870423	198611	1987	4	23	4/23/1987	3518	38.52703628	229.99	94.09	3175	34.770705 \$	218.49 \$	82.59
00020249	000024.29	19870400	198610	1987	4	0	3/31/1987	3541	38.77891855	41.25	16.96	3198	35.02258727 \$	39.19 \$	14.90
00020249	-24.29	19870400	198609	1987	4	0	3/31/1987	3541	38.77891855	-41.25	-16.96	3198	35.02258727 \$	(39.19) \$	(14.90)
00020249	000142.84	19870400	198704	1987	4	0	3/31/1987	3541	38.77891855	242.57	99.73	3198	35.02258727 \$	230.44 \$	87.60
00020249	000134.56	19870318	198610	1987	3	18	3/18/1987	3554	38.92128679	228.96	94.40	3211	35.16495551 \$	217.51 \$	82.95
00020249	000161.68	19870300	198703	1987	3	0	2/28/1987	3572	39.11841205	275.84	114.16	3229	35.36208077 \$	262.05 \$	100.37
00020249	000134.56	19870219	198609	1987	2	19	2/19/1987	3581	39.21697467	229.88	95.32	3238	35.46064339 \$	218.39 \$	83.83
00020249	000141.55	19870200	198702	1987	2	0	1/31/1987	3600	39.42505133	242.51	100.96	3257	35.66872005 \$	230.39 \$	88.84
00020249	000013.63	19870100	198610	1987	1	0	12/31/1986	3631	39.76454483	23.46	9.83	3288	36.00821355 \$	22.29 \$	8.66
00020249	000020.01	19870100	198609	1987	1	0	12/31/1986	3631	39.76454483	34.44	14.43	3288	36.00821355 \$	32.72 \$	12.71
00020249	000136.60	19870100	198701	1987	1	0	12/31/1986	3631	39.76454483	235.12	98.52	3288	36.00821355 \$	223.36 \$	86.76
00020249	000131.51	19861024	198608	1986	10	24	10/24/1986	3699	40.50924025	228.67	97.16	3356	36.75290897 \$	217.24 \$	85.73
00020249	000135.77	19860911	198607	1986	9	11	9/11/1986	3742	40.98015058	237.60	101.83	3399	37.2238193 \$	225.72 \$	89.95
00020249	000132.16	19860805	198606	1986	8	5	8/5/1986	3779	41.3853525	232.57	100.41	3436	37.62902122 \$	220.94 \$	88.78
00020249	000142.57	19860710	198605	1986	7	10	7/10/1986	3805	41.67008898	251.87	109.30	3462	37.9137577 \$	239.27 \$	96.70
00020249	000131.51	19860612	198604	1986	6	12	6/12/1986	3833	41.97672827	233.30	101.79	3490	38.22039699 \$	221.64 \$	90.13
00020249	000136.92	19860519	198603	1986	5	19	5/19/1986	3857	42.23956194	243.77	106.85	3514	38.48323066 \$	231.58 \$	94.66
00020249	000130.93	19860429	198602	1986	4	29	4/29/1986	3877	42.45859001	233.81	102.88	3534	38.70225873 \$	222.11 \$	91.18
00020249	000130.93	19860408	198601	1986	4	8	4/8/1986	3898	42.68856947	234.54	103.61	3555	38.93223819 \$	222.81 \$	91.88
00020249	000173.03	19860314	198512	1986	3	14	3/14/1986	3923	42.96235455	311.12	138.09	3580	39.20602327 \$	295.56 \$	122.53
00020249	000122.64	19860220	198511	1986	2	20	2/20/1986	3945	43.20328542	221.24	98.60	3602	39.44695414 \$	210.18 \$	87.54
00020249	000136.86	19860110	198510	1986	1	10	1/10/1986	3986	43.65229295	248.41	111.55	3643	39.89596167 \$	235.99 \$	99.13
00020249	000110.30	19851127	198509	1985	11	27	11/27/1985	4030	44.13415469	201.53	91.23	3687	40.37782341 \$	191.45 \$	81.15
00020249	000108.32	19851028	198508	1985	10	28	10/28/1985	4060	44.46269678	198.80	90.48	3717	40.7063655 \$	188.86 \$	80.54
00020249	000108.32	19850918	198507	1985	9	18	9/18/1985	4100	44.90075291	199.99	91.67	3757	41.14442163 \$	189.99 \$	81.67
00020249	000116.02	19850823	198506	1985	8	23	8/23/1985	4126	45.18548939	215.04	99.02	3783	41.42915811 \$	204.29 \$	88.27
00020249	000111.40	19850731	198505	1985	7	31	7/31/1985	4149	45.43737166	207.19	95.79	3806	41.68104038 \$	196.83 \$	85.43
00020249	000113.03	19850626	198504	1985	6	26	6/26/1985	4184	45.82067077	211.32	98.29	3841	42.06433949 \$	200.76 \$	87.73
00020249	000115.46	19850604	198503	1985	6	4	6/4/1985	4206	46.06160164	216.58	101.12	3863	42.30527036 \$	205.75 \$	90.29
00020249	000109.59	19850509	198502	1985	5	9	5/9/1985	4232	46.34633812	206.37	96.78	3899	42.59000684 \$	196.05 \$	86.46
00020249	000129.34	19850417	198501	1985	4	17	4/17/1985	4254	46.58726899	244.36	115.02	3911	42.83093771 \$	232.14 \$	102.80
00020249	000104.83	19850325	198412	1985	3	25	3/25/1985	4277	46.83915127	198.74	93.91	3934	43.08281999 \$	188.80 \$	83.97
00020249	000096.89	19850225	198411	1985	2	25	2/25/1985	4305	47.14579055	184.46	87.57	3962	43.38945927 \$	175.23 \$	78.34
00020249	000096.89	19850110	198410	1985	1	10	1/10/1985	4351	47.6495551	185.73	88.84	4008	43.89322382 \$	176.44 \$	79.55
00020249	000103.97	19841128	198409	1984	11	28	11/28/1984	4394	48.12046543	200.59	96.62	4051	44.36413415 \$	190.56 \$	86.59
00020249	000108.89	19841018	198408	1984	10	18	10/18/1984	4435	48.56947296	211.37	102.48	4092	44.81314168 \$	200.80 \$	91.91
00020249	000108.88	19840918	198407	1984	9	18	9/18/1984	446							



00020249	000098.03	19830706	198305	1983	7	6	7/6/1983	4905	53.71663244	204.15	106.12	4562	49.96030116	\$	193.94	\$	95.91
00020249	000096.23	19830524	198304	1983	5	24	5/24/1983	4948	54.16754278	201.69	105.46	4605	50.4312115	\$	191.61	\$	95.38
00020249	000095.55	19830428	198303	1983	4	28	4/28/1983	4974	54.47227926	201.05	105.50	4631	50.71594798	\$	190.99	\$	95.44
00020249	000095.55	19830405	198302	1983	4	5	4/5/1983	4997	54.72416153	201.74	106.19	4654	50.96783025	\$	191.65	\$	96.10
00020249	000095.55	19830308	198301	1983	3	8	3/8/1983	5025	55.03080082	202.59	107.04	4682	51.27446954	\$	192.46	\$	96.91
00020249	000102.38	19830208	198212	1983	2	8	2/8/1983	5053	55.33744011	217.98	115.60	4710	51.58110883	\$	207.08	\$	104.70
00020249	000099.64	19830124	198211	1983	1	24	1/24/1983	5068	55.50171116	212.62	112.98	4725	51.74537988	\$	201.99	\$	102.35
00020249	000103.51	19830110	198210	1983	1	10	1/10/1983	5082	55.6550308	221.34	117.83	4739	51.89869952	\$	210.27	\$	106.76
00020249	000087.85	19821208	198209	1982	12	8	12/8/1982	5115	56.0164271	188.79	100.94	4772	52.26009582	\$	179.35	\$	91.50
00020249	000085.51	19821027	198208	1982	10	27	10/27/1982	5157	56.47638604	184.91	99.40	4814	52.72005476	\$	175.67	\$	90.16
00020249	000085.51	19820916	198207	1982	9	16	9/16/1982	5198	56.92539357	186.05	100.54	4855	53.16906229	\$	176.75	\$	91.24
00020249	000086.87	19820813	198206	1982	8	13	8/13/1982	5232	57.29774127	189.97	103.10	4889	53.54140999	\$	180.47	\$	93.60
00020249	000086.75	19820713	198205	1982	7	13	7/13/1982	5263	57.63723477	190.59	103.84	4920	53.88090349	\$	181.06	\$	94.31
00020249	000085.51	19820604	198204	1982	6	4	6/4/1982	5302	58.06433949	188.97	103.46	4959	54.30800821	\$	179.52	\$	94.01
00020249	000087.56	19820430	198203	1982	4	30	4/30/1982	5337	58.4476386	194.51	106.95	4994	54.69130732	\$	184.79	\$	97.23
00020249	000085.26	19820405	198202	1982	4	5	4/5/1982	5362	58.72142368	190.11	104.85	5019	54.9650924	\$	180.61	\$	95.35
00020249	000085.26	19820226	198201	1982	2	26	2/26/1982	5400	59.137577	191.20	105.94	5057	55.38124572	\$	181.64	\$	96.38
00020249	000085.26	19820204	198112	1982	2	4	2/4/1982	5422	59.37850787	191.83	106.57	5079	55.62217659	\$	182.24	\$	96.98
00020249	000094.28	19820121	198111	1982	1	21	1/21/1982	5436	59.53182752	212.57	118.29	5093	55.77549624	\$	201.94	\$	107.66
00020249	000077.38	19820105	198110	1982	1	5	1/5/1982	5452	59.70704997	174.88	97.50	5109	55.95071869	\$	166.14	\$	88.76
00020249	000056.40	19811204	198109	1981	12	4	12/4/1981	5484	60.05749487	128.08	71.68	5141	56.30116359	\$	121.67	\$	65.27

Calculated Interest	\$14,472.56
Actual Interest	13668.90
Difference	\$803.66

Calculated Transfer Basis	\$43,659.86
Actual Transfer Basis	43377.96
Difference	\$281.90
65% of Difference	\$183.23

Total Additional Amt to Deposit in Plan 3 Account	\$986.89
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# EXHIBIT B

**Jaberi, Emaan R.**

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**From:** Steve Strong <skstrong@bs-s.com>  
**Sent:** Monday, March 3, 2025 1:16 PM  
**To:** Guess, Philip; David Stobaugh; Alex Strong  
**Cc:** Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.  
**Subject:** Re: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) - Pltfs' ROGs and RFDs

**This Message Is From an External Sender**

This message came from outside your organization.

Philip, we agree to the extra days for discovery. We do not agree to the request for a delay in hearing the motion on the formula. This motion is not only no surprise, it is ordered by the Ninth Circuit. And it has been briefed before in federal and state court. Your side has already retained an expert. prepared declarations and briefed issues on the three items in the formula. Steve

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**From:** Guess, Philip <Philip.Guess@klgates.com>  
**Sent:** Friday, February 28, 2025 4:11:57 PM  
**To:** Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>; Alex Strong <astrong@bs-s.com>  
**Cc:** Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>; Mitchell, Robert <rob.mitchell@klgates.com>; andrew.krawczyk@atg.wa.gov <andrew.krawczyk@atg.wa.gov>; Kiana Reeves <kreeves@bs-s.com>; Jaberi, Emaan R. <Emaan.Jaberi@klgates.com>  
**Subject:** RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) - Pltfs' ROGs and RFDs

Steve/David/Alex:

We would like to request an extension to next Friday, February 7 for DRS responses (four-day extension). We are working on the substantive responses but need a few more days.

We would also request an extension for DRS response to your pending Motion for Injunctive Relief from March 14 to March 21. To the extent you would like commensurate additional time on your reply, we would have no objection.

Please let us know if either or both of these extensions are acceptable. Thank you. Have a nice weekend. Phil Guess.

---

**From:** Kiana Reeves <kreeves@bs-s.com>  
**Sent:** Friday, January 31, 2025 4:43 PM  
**To:** Mitchell, Robert <rob.mitchell@klgates.com>; Guess, Philip <Philip.Guess@klgates.com>; andrew.krawczyk@atg.wa.gov  
**Cc:** Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>; Alex Strong <astrong@bs-s.com>;

Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>

**Subject:** Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) - Pltfs' ROGs and RFDs

Good evening, Counsel,

Attached for service please find Plaintiffs' Interrogatories and Requests for Documents (January 31, 2025). A Word copy has been provided for your convenience.

Please let me know if you have any difficulties accessing the attachments.

Best,



STOBAUGH &  
STRONG, P.C.

**Kiana Reeves**

*Paralegal*

126 NW Canal Street

Suite 100

Seattle, WA 98107

**Ph.** (206) 622-3536

**Fax** (206) 622-5759

[kreeves@bs-s.com](mailto:kreeves@bs-s.com)

*This electronic mail message contains information that is or may be legally privileged, confidential, or otherwise protected by law from disclosure and is only for the use of the Addressee named herein. If you are not the intended recipient, you are hereby notified that reading, using, copying, or distributing any part of this message is strictly prohibited. If you have received this in error, please contact us immediately and take the steps necessary to delete the message completely from your computer systems. Thank you.*

This electronic message contains information from the law firm of K&L Gates LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at [Philip.Guess@klgates.com](mailto:Philip.Guess@klgates.com).

# EXHIBIT C

**Jaberi, Emaan R.**

---

**From:** Guess, Philip  
**Sent:** Wednesday, March 5, 2025 5:24 PM  
**To:** Steve Strong; David Stobaugh; Alex Strong  
**Cc:** Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.; Nagamine, Ruby A.  
**Subject:** Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations  
**Attachments:** 2025-03-05 Notice of Subpoena to Marshall.pdf; 2025-03-05 Subpoena to Marshall.pdf

Counsel,

Attached please find the following documents:

- Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to John Marshall
- Defendant's Notice of Intent to Serve Subpoena on John Marshall

Please let us know if you will accept service of the subpoena on behalf of Mr. Marshall or if you would like us to serve it. Thank you. Phil Guess.

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICKEY FOWLER, LEISA MAURER, and a  
class of similarly situated individuals,

Plaintiffs,

v.

TRACY GUERIN, Director of the Washington  
State Department of Retirement Systems,

Defendant.

Case No. 3:15-cv-05367-BHS

DEFENDANT'S NOTICE OF INTENT  
TO SERVE SUBPOENA ON JOHN  
MARSHALL

TO: PLAINTIFFS MICKEY FOWLER and LEISA MAURER

TO: STEPHEN K. STRONG, ATTORNEY OF RECORD FOR PLAINTIFFS

PLEASE TAKE NOTICE, pursuant to Federal Rule of Civil Procedure 45(a)(4),  
Defendant Director of the Washington State Department of Retirement Systems (previously  
Tracy Guerin, now Kathryn Leathers) intends to serve the attached Subpoena to Produce  
Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action on  
John Marshall.

//

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DEFENDANT'S NOTICE OF INTENT TO SERVE SUBPOENA  
ON JOHN MARSHALL - 1

Case No. 3:15-CV-05367-BHS  
509079031.1

K&L GATES LLP  
925 FOURTH AVENUE, SUITE 2900  
SEATTLE, WA 98104-1158  
TELEPHONE: +1 206 623 7580  
FACSIMILE: +1 206 623 7022

1 DATED this 5th day of March, 2025.

2  
3 K&L Gates LLP

4  
5 By s/ Philip M. Guess

6 Robert B. Mitchell, WSBA # 10874

7 Philip M. Guess, WSBA #26765i

8 Todd L. Nunn, WSBA # 23267

9 925 Fourth Avenue, Suite 2900

10 Seattle, WA 98104

11 Phone: (206) 623-7580

12 Fax: (206) 623-7022

13 Email: rob.mitchell@klgates.com

14 philip.guess@klgates.com

15 todd.nunn@klgates.com

16 Attorneys for Defendant



**Attachment A**

**Definitions**

1. “February 4 Declaration” means Your declaration signed on February 4, 2021, and filed in the Litigation February 4, 2021, at Dkt. 91.
2. “April 1 Declaration” means Your declaration signed on April 1, 2021, and filed in the Litigation April 2, 2021, at Dkt. 114.
3. “February 20 Declaration” means Your declaration signed on February 20, 2025, and filed in the Litigation February 21, 2025, at Dkt. 186.
4. “Class” means the individuals within the class definition certified by the Court in the Litigation.
5. “Director” means the Defendant Director of the Washington State Department of Retirement Systems (previously Tracy Guerin, now Kathryn Leathers).
6. “Documents” has the meaning described in Federal Rule of Civil Procedure 34(a)(1)(A).
7. “Litigation” means the lawsuit filed by Plaintiffs Mickey Fowler and Leisa Maurer against the Director as Case No. 3:15-cv-05367-BHS (W.D. Washington).
8. “Plaintiffs” means Mickey Fowler and Leisa Maurer.
9. “You” or “Your” means John D. Marshall and any other individuals working at his direction with respect to the Litigation, including not limited to individuals employed by Windsor Strategy Partners.
10. “Formula Component One” means the first component of Plaintiffs’ proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to daily interest.
11. “Formula Component Two” means the second component of Plaintiffs’ proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to transfer incentive payment.
12. “Formula Component Three” means the third component of Plaintiffs’ proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to investment returns.

**Document Requests**

1. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
2. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
3. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
4. All Documents showing any and all alternative calculations of alleged loss on behalf of Plaintiffs or the Class that You considered but did not include in Your February 20 Declaration, including but not limited to documents showing alternative rates of return that you considered in preparing to calculate or in calculating the amount of loss for Formula Component Three.
5. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your February 4 Declaration and Your February 20 Declaration.
6. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 4 Declaration and Your February 20 Declaration.
7. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 4 Declaration and Your February 20 Declaration.

8. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your April 1 Declaration and Your February 20 Declaration.
9. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your April 1 Declaration and Your February 20 Declaration.
10. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your April 1 Declaration and Your February 20 Declaration.
11. All Documents showing any of the facts or data You considered in forming the statements and opinions in Your February 20 Declaration.

## UNITED STATES DISTRICT COURT

for the

Western District of Washington

MICKEY FOWLER, et al.

*Plaintiff*

v.

TRACY GUERIN, Director of the Washington State  
Department of Retirement Systems*Defendant*

Civil Action No. 3:15-cv-05367-BHS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: John Marshall

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: K&L Gates LLP  
925 Fourth Avenue, Suite 2900  
Seattle, WA 98104

Date and Time:

03/19/2025 9:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/05/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

s/ Philip Guess

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Director of the Washington State Department of Retirement Systems, who issues or requests this subpoena, are:

Philip Guess, 925 Fourth Avenue, Suite 2900, Seattle, WA 98104, 206-370-5834, philip.guess@klgates.com

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:15-cv-05367-BHS

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**Attachment A**

**Definitions**

1. “February 4 Declaration” means Your declaration signed on February 4, 2021, and filed in the Litigation February 4, 2021, at Dkt. 91.
2. “April 1 Declaration” means Your declaration signed on April 1, 2021, and filed in the Litigation April 2, 2021, at Dkt. 114.
3. “February 20 Declaration” means Your declaration signed on February 20, 2025, and filed in the Litigation February 21, 2025, at Dkt. 186.
4. “Class” means the individuals within the class definition certified by the Court in the Litigation.
5. “Director” means the Defendant Director of the Washington State Department of Retirement Systems (previously Tracy Guerin, now Kathryn Leathers).
6. “Documents” has the meaning described in Federal Rule of Civil Procedure 34(a)(1)(A).
7. “Litigation” means the lawsuit filed by Plaintiffs Mickey Fowler and Leisa Maurer against the Director as Case No. 3:15-cv-05367-BHS (W.D. Washington).
8. “Plaintiffs” means Mickey Fowler and Leisa Maurer.
9. “You” or “Your” means John D. Marshall and any other individuals working at his direction with respect to the Litigation, including not limited to individuals employed by Windsor Strategy Partners.
10. “Formula Component One” means the first component of Plaintiffs’ proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to daily interest.
11. “Formula Component Two” means the second component of Plaintiffs’ proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to transfer incentive payment.
12. “Formula Component Three” means the third component of Plaintiffs’ proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to investment returns.

**Document Requests**

1. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
2. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
3. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
4. All Documents showing any and all alternative calculations of alleged loss on behalf of Plaintiffs or the Class that You considered but did not include in Your February 20 Declaration, including but not limited to documents showing alternative rates of return that you considered in preparing to calculate or in calculating the amount of loss for Formula Component Three.
5. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your February 4 Declaration and Your February 20 Declaration.
6. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 4 Declaration and Your February 20 Declaration.
7. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 4 Declaration and Your February 20 Declaration.



8. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your April 1 Declaration and Your February 20 Declaration.
9. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your April 1 Declaration and Your February 20 Declaration.
10. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your April 1 Declaration and Your February 20 Declaration.
11. All Documents showing any of the facts or data You considered in forming the statements and opinions in Your February 20 Declaration.

# EXHIBIT D

**Jaberi, Emaan R.**

---

**From:** Alex Strong <astrong@bs-s.com>  
**Sent:** Tuesday, March 11, 2025 12:32 PM  
**To:** Guess, Philip; Steve Strong; David Stobaugh  
**Cc:** Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.; Nagamine, Ruby A.  
**Subject:** RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

**This Message Is From an External Sender**

This message came from outside your organization.

Hi Phil,

We have been authorized to accept service of the subpoena for Mr. Marshall.

Separately, I saw in your subpoena that Tracy Guerin has been replaced by Kathryn Leathers. Under FRCP 25, a replacement public officer is automatically substituted in as a party so the caption of this case is now *Fowler v. Leathers*.

Thanks,  
Alex Strong

---

**From:** Guess, Philip <Philip.Guess@klgates.com>  
**Sent:** Tuesday, March 11, 2025 8:26 AM  
**To:** Alex Strong <astrong@bs-s.com>; Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>  
**Cc:** Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>; Mitchell, Robert <rob.mitchell@klgates.com>; andrew.krawczyk@atg.wa.gov; Kiana Reeves <kreeves@bs-s.com>; Jaberi, Emaan R. <Emaan.Jaberi@klgates.com>; Nagamine, Ruby A. <Ruby.Nagamine@klgates.com>  
**Subject:** RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

Counsel:

We are following up on this matter. Please let us know. Otherwise, we will find another means to effectuate service. Thank you. Phil Guess.

---

**From:** Alex Strong <[astrong@bs-s.com](mailto:astrong@bs-s.com)>  
**Sent:** Thursday, March 6, 2025 5:52 PM  
**To:** Guess, Philip <[Philip.Guess@klgates.com](mailto:Philip.Guess@klgates.com)>; Steve Strong <[skstrong@bs-s.com](mailto:skstrong@bs-s.com)>; David Stobaugh <[davidfstobaugh@bs-s.com](mailto:davidfstobaugh@bs-s.com)>  
**Cc:** Carrie Jo Daugherty <[cdaugherty@bs-s.com](mailto:cdaugherty@bs-s.com)>; Erika Haack <[ehaack@bs-s.com](mailto:ehaack@bs-s.com)>; Anders Forsgaard <[aforsgaard@bs-s.com](mailto:aforsgaard@bs-s.com)>; Mitchell, Robert <[rob.mitchell@klgates.com](mailto:rob.mitchell@klgates.com)>; [andrew.krawczyk@atg.wa.gov](mailto:andrew.krawczyk@atg.wa.gov); Kiana Reeves <[kreeves@bs-s.com](mailto:kreeves@bs-s.com)>; Jaberi, Emaan R. <[Emaan.Jaberi@klgates.com](mailto:Emaan.Jaberi@klgates.com)>; Nagamine, Ruby A. <[Ruby.Nagamine@klgates.com](mailto:Ruby.Nagamine@klgates.com)>  
**Subject:** RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

Hi Phil,

We'll reach out to Mr. Marshall about whether we will be accepting service on his behalf and get back to you.

Thanks,  
Alex Strong

---

**From:** Guess, Philip <[Philip.Guess@klgates.com](mailto:Philip.Guess@klgates.com)>

**Sent:** Wednesday, March 5, 2025 5:24 PM

**To:** Steve Strong <[skstrong@bs-s.com](mailto:skstrong@bs-s.com)>; David Stobaugh <[davidfstobaugh@bs-s.com](mailto:davidfstobaugh@bs-s.com)>; Alex Strong <[astrong@bs-s.com](mailto:astrong@bs-s.com)>

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**Subject:** Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

Counsel,

Attached please find the following documents:

- Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to John Marshall
- Defendant's Notice of Intent to Serve Subpoena on John Marshall

Please let us know if you will accept service of the subpoena on behalf of Mr. Marshall or if you would like us to serve it. Thank you. Phil Guess.

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